

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 14:
Wakatipu Basin
hearing and
transferred Stage 1
submissions related to
Arrowtown and Lake
Hayes

**REBUTTAL EVIDENCE OF BRIDGET MARY GILBERT
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

LANDSCAPE

27 June 2018

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1. INTRODUCTION

- 1.1** My full name is Bridget Mary Gilbert. I am a Landscape Architect and Director of Bridget Gilbert Landscape Architecture Ltd, Auckland.
- 1.2** My qualifications and experience are as set out in my Evidence in Chief dated 28 May 2018 (paragraphs 1.1-1.9).
- 1.3** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

2. SCOPE

- 2.1** My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Mr Tony Milne for Hamilton and Hayden (2422);
 - (b) Mr Benjamin Espie for Middleton Family Trust (2332);
 - (c) Mr Carey Vivian for D Broomfield & Woodlot Properties Limited (2276);
 - (d) Mr Patrick Baxter for Waterson (2308);
 - (e) Mr Philip Blakely for X Ray Trust Limited and Avenue Trust (2619);
 - (f) Mr Stephen Skelton for Wakatipu Equities Limited (2479) and Slopehill Properties (2584);
 - (g) Mr Stephen Skelton for Waterfall Park Developments Limited (2388);
 - (h) Ms Rebecca Hadley for Hadley (FS2772);
 - (i) Mr Stephen Skelton for Burgess Duke Trust (2591) and Ashford Trust (2535);
 - (j) Mr Benjamin Espie for AJ Robins and HJM Callaghan & Others (2104, 2163, 2281, 2291, 2314, 2315, 2316, 2317, 2318, 2319, 2378, 2389, 2490, 2517);

- (k) Mr Chris Ferguson and Ms Yvonne Pfluger (Stage 1 PDP evidence) for Lake Hayes Cellar (2378);
- (l) Ms Yvonne Pfluger and Mr Richard Tyler for Trojan Helmet (2387);
- (m) Mr Andrew Craig for Millbrook Country Club (2295 and 2605);
- (n) Ms Nicola Smetham for Spruce Grove Trust (2513 and 2512);
- (o) Mr Stephen Skelton for Banco Trust (2400); and
- (p) Ms Yvonne Pfluger for Boxer Hill Trust (2386).

2.2 I have read the evidence of the following experts, and consider that no response is needed:

- (a) Ms Amanda Leith for Hamilton and Hayden (2422);
- (b) Mr Nicholas Geddes for Middleton Family Trust (2322);
- (c) Mr Ben Farrell for Wakatipu Equities (2479 and 2750);
- (d) Ms Louise Taylor for X Ray Trust Limited and Avenue Trust (2619);
- (e) Mr Jeffrey Brown for Waterfall Park Development Limited (2388);
- (f) Mr Ben Farrell Skelton for Burgess Duke Trust (2591) and Ashford Trust (2535);
- (g) Mr Jeffrey Brown for Trojan Helmet (2387);
- (h) Mr John Edmonds for Millbrook Country Club (2295 and 2605);
- (i) Mr Amanda Leith for Spruce Grove Trust (2512);
- (j) Mr Nicholas Geddes for Banco Trust (2400); and
- (k) Mr Jeffrey Brown for Boxer Hill Trust (2386).

2.3 My evidence has the following attachments:

- (a) **Appendix A:** Landscape and Visual Effects Rating Scale.
- (b) **Appendix B:** LCU 13 Lake Hayes Slopes Potential Yield (4,000m² minimum lot size) 'northern end'.
- (c) **Appendix C:** LCU 13 Lake Hayes Slopes Potential Yield (4,000m² minimum lot size) 'southern end'.
- (d) **Appendix D:** Proposed Spruce Grove Trust Structure Plan and Millbrook Structure Plan.

- (e) **Appendix E:** Proposed Spruce Grove Trust Structure Plan and Millbrook Masterplan.

2.4 In preparing my rebuttal evidence, I made another site visit on Friday 22 June 2018. I drove the various roads throughout the Basin and visited the following properties:

- (a) the Middleton Family Trust land at Tucker Beach;
- (b) the Hills golf course;
- (c) the X Ray Trust land (enabling views of the Donaldson block);
and
- (d) the Ayrburn Farm (Waterfall Park Development Limited) land.

2.5 I also offered to visit the Wakatipu Equities Limited land (#2479), however was advised that because the owners were overseas, access was not available.

2.6 **Appendix A** includes a Landscape and Visual Effects rating scale to assist an understanding of my evaluation of landscape related effects. My five point scale is derived from the NZILA Best Practice Note.¹ It should be noted that the **Appendix A** Effects Rating Scale uses a very similar five point scale to that applied in the Wakatipu Basin Land Use Study (**WB Study**), which was included at Appendix K to the study, however the definition of each rating varies, in response to the different focus. For the WB Study, the effects ratings relates to the 'absorption capability' of each Landscape Character Unit (**LCU**). In my rebuttal evidence, the effects ratings relate to adverse landscape and visual effects.

2.7 Although the rebuttal filing date for submissions 2386, 2400 and 2513 is 4 pm Friday, 29 June, and the filing date for submission 2387 is 4pm, Wednesday 4 July, I have included my response to those submitters' evidence in this rebuttal statement.

¹ Best Practice Note Landscape Assessment and Sustainable Management 10.1 (March 2011) New Zealand Institute of Landscape Architects.

LCU 1 MALAGHANS VALLEY (Very Low)

3. TONY MILNE FOR D HAMILTON & L HAYDEN (2422)

- 3.1** Mr Tony Milne has prepared evidence on behalf of the submitters who support an extension of the Precinct such that it coincides with the northern property boundary of their land at 76 Hunter Road.² Mr Milne also supports the removal of the Landscape Feature line along the northern edge of the flat, low-lying portion of the site.³
- 3.2** Mr Milne cites the arbitrary nature of the Stage 2 PDP Precinct line, in that it does not follow a topographical feature⁴, and the screened nature of the site in views from Malaghans Road⁵ in support of his recommendation.
- 3.3** Mr Milne also recommends that exotic vegetation rules are amended to only relate to trees within the 75m Road Setback along Hunter Road.⁶

Precinct boundary

- 3.4** As explained in my evidence in chief at Section 9, much of the submitter's land coincides with a portion of LCU 6 Wharehuanui Hills where no clear geomorphological feature is evident to guide the alignment of the Precinct boundary.
- 3.5** Having considered Mr Milne's evidence, I consider that there is a legible geomorphological boundary in the central portion of the property and that the Precinct boundary should remain as proposed in the Stage 2 PDP mapping in that part of the site.
- 3.6** However, in light of Mr Milne's evidence, I consider that it is appropriate to realign the Precinct boundary along the northern property boundary at its eastern end, adjacent to the low-lying flat part of the property. I also consider it appropriate to remove the

2 2422 Hamilton & Hayden: Tony Milne EiC Paragraph 29.

3 Ibid: paragraph 31.

4 Ibid: paragraph 16.

5 Ibid: paragraph 22.

6 Ibid: paragraph 27.

Landscape Feature line from this short section of the (realigned) Precinct boundary.

- 3.7** Unlike Mr Milne, I consider it necessary to retain the Precinct boundary along the crest of the ridgeline in the elevated central portion of the site to ensure that built development is not visible from the Malaghans Road valley. Were the Precinct boundary to correspond with the northern property boundary (in the manner recommended by Mr Milne), the Precinct and Landscape Feature line would be positioned up to 100m beyond the crest of the ridgeline, on the (downhill) Malaghans valley side, suggesting visibility from the Malaghans corridor and negating the mitigation benefits of the 50m Landscape Feature Setback. I consider such an outcome to be inappropriate given the Very Low absorption capability rating of LCU 1 Malaghans Valley (and despite the landscape driven Precinct assessment criteria).
- 3.8** The extent of the Precinct boundary realignment and Landscape feature line amendment that I support at 76 Hunter Road is depicted below in **Figure 1** and **Figure 2**.

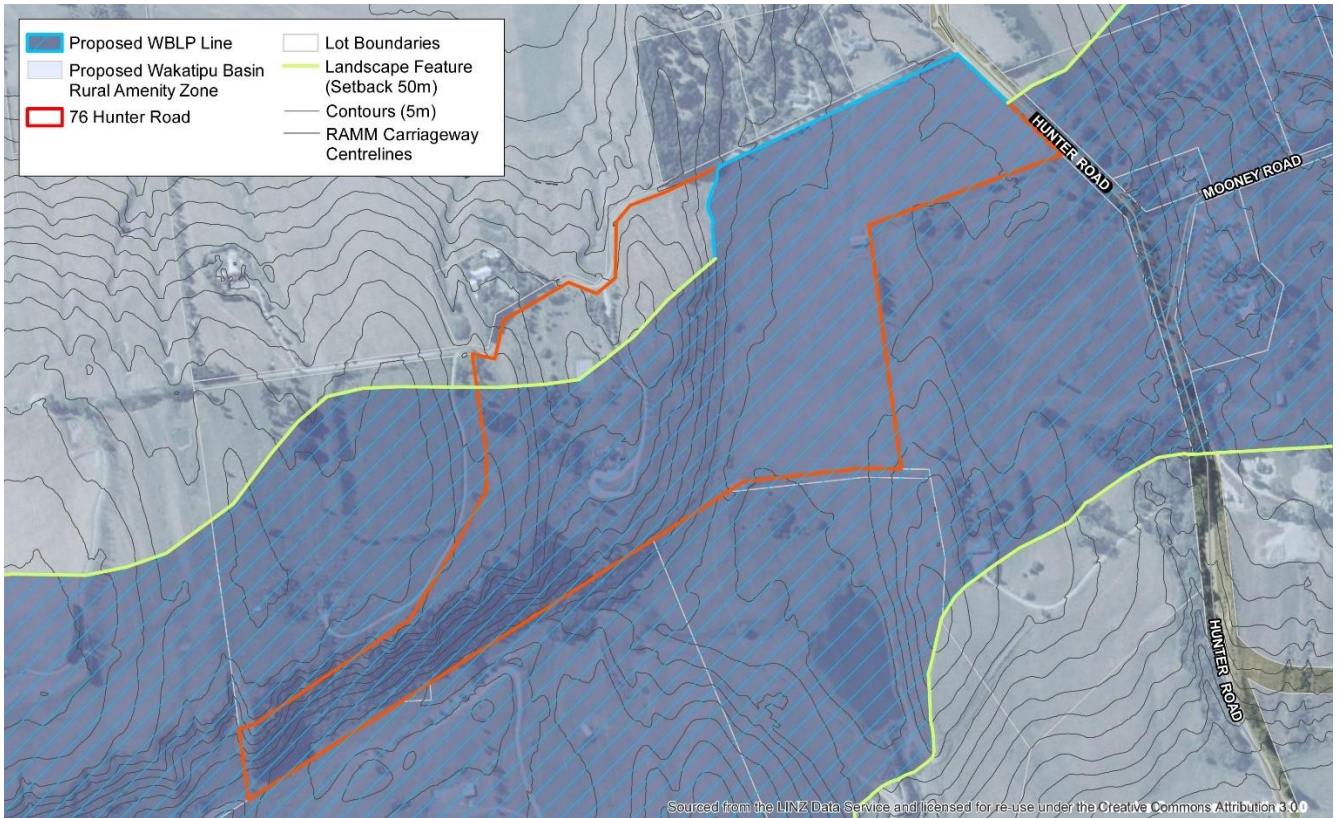


Figure 1: Proposed mapping amendment in relation to 76 Hunter Road.

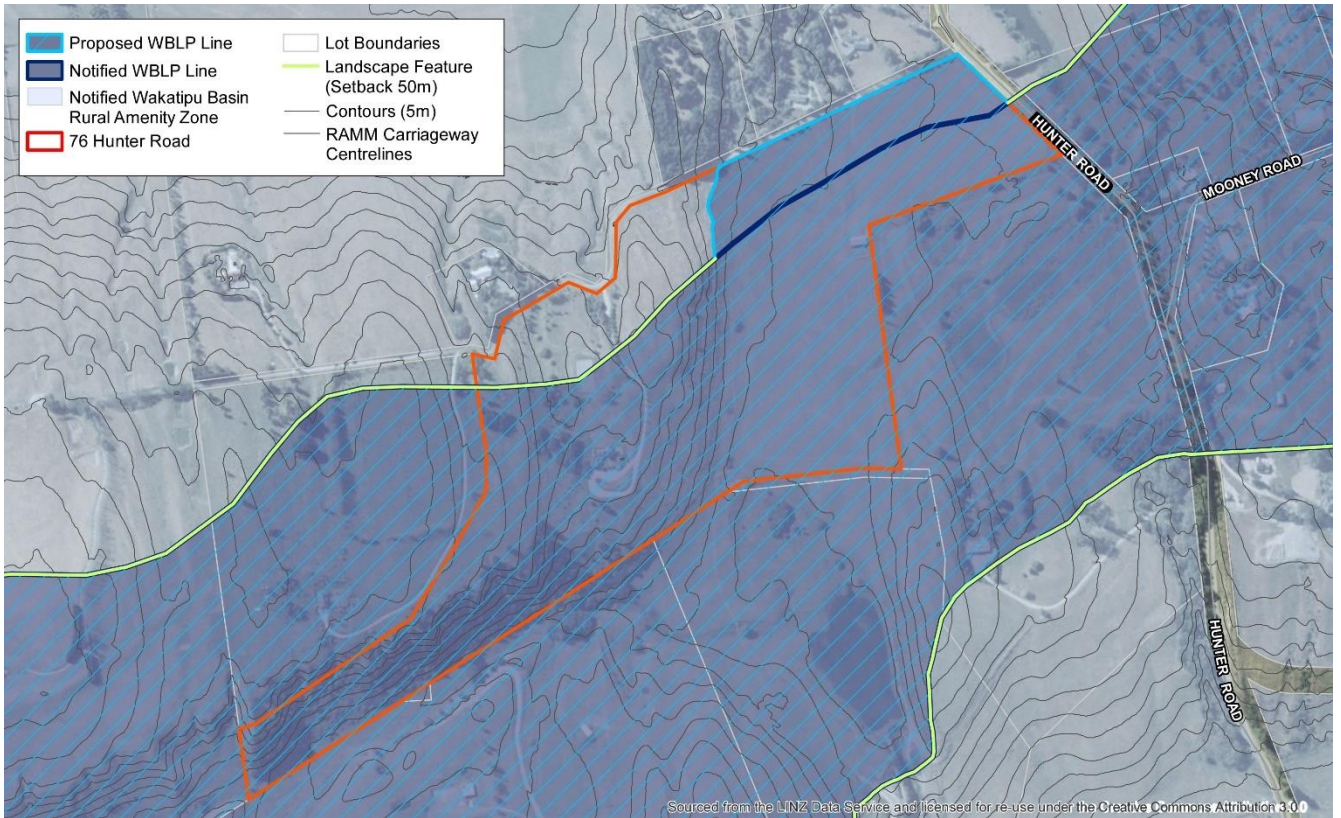


Figure 2: Proposed mapping amendment at 76 Hunter Road with notified Stage 2 PDP mapping also shown.

Exotic Vegetation rules

- 3.9** I do not consider it appropriate to introduce a location-specific exotic vegetation rule in the manner proposed by Mr Milne.
- 3.10** For the reasons outlined in Section 62 of my evidence in chief, I consider that exotic vegetation (of 4m or higher) plays an important role in shaping the highly attractive landscape character of the Basin. I do not regard this role to simply be confined to views from road corridors more generally, or in the case of the Hunter Road area, that specific road corridor.
- 3.11** At Hunter Road, I consider that exotic vegetation beyond the 75m (Hunter) Road Setback is likely to make a significant contribution to the visual amenity enjoyed on rural residential properties in the local area.
- 3.12** For these reasons, I oppose the amendment to the Exotic Vegetation Rules supported by Mr Milne.

LCU 4 TUCKER BEACH (Central and Eastern End: High; Western End: Low)

4. BENJAMIN ESPIE FOR MIDDLETON FAMILY TRUST (2332)

- 4.1** Mr Benjamin Espie has filed landscape evidence in support of the Tucker Beach Structure Plan (**TBSP**) proposed by the Middleton Family Trust.
- 4.2** An amended version of the TBSP (to that attached to the original submission) is evaluated in Mr Espie's evidence. At Section 4 of his evidence, Mr Espie summarises the amended relief as follows:
- (a) A small area of Wakatipu Basin Lifestyle Precinct (**Precinct**) will sit at the eastern end of the landholding. This area is as per the notified Variation.

- (b) Two large flat terrace areas will be zoned as Tucker Beach Residential Precinct (**TB Precinct**) that will enable suburban development down to a minimum lot size of 600m².
- (c) In the north-western part of the landholding, some terraced land will be zoned as Precinct.
- (d) A primary access road corridor is identified through the landholding and it is envisaged that this will be vested.
- (e) The steep and more visually exposed parts of the area proposed to be rezoned will be identified as Escarpment Protection Area (**EPA** – effectively a no-build, open space area).

4.3 The TB Precinct infringes the Outstanding Natural Landscape (**ONL**), however it is my understanding that no residential built development is actually proposed within the ONL.⁷

4.4 I also note that a water reservoir is proposed in the ONL.⁸ Mr Espie's evidence provides no analysis of the landscape and visual effects associated with this aspect of the development.

4.5 I have read the evidence of Mr Nicholas Geddes, including his Appendix 3, which sets out the plan provisions for the TBSP. I consider the following aspects of the TB Precinct provisions (which forms part of the Structure Plan area), to also be of relevance in an evaluation of the landscape merits of the proposed relief:

- (a) Overall, the submission seeks to provide for 200 - 210 residential units and 9 lifestyle (Precinct) properties.
- (b) One lot per 450m² is anticipated within the TB Precinct as a controlled activity.

⁷ 2332 Middleton Family Trust: Mr N Geddes EiC: Appendix 1.

⁸ See 2332 Middleton Family Trust: C Hansen EiC: paragraph 7.3 and Appendix 1 Section 7.5 mapping.

- (c) 2m internal yards and 4.5m road setback controls apply within the TB Precinct.
- (d) The TB Precinct anticipates 40% site coverage with a 15% planting coverage requirement.
- (e) Building heights within the TB Precinct are limited to 6m.
- (f) A walkway/cycleway route (Tuckers Beach Trail) is proposed through the eastern portion of the submission area (coinciding with TB Precinct and PDP Stage 2 Precinct land), linking the DoC Reserve between the site and the Shotover River to Lake Johnson, south of the submission area.

4.6 I note a discrepancy in the proposed density of the TB Precinct in Mr Geddes' Appendix 3 tracked changed version of Chapters 24 and 27, where he states in the Standards for the TB Precinct at 24.5.2 that the proposed density will be one lot per 450m²; and lists in Table 27.5.1 the minimum lot area within the TB Precinct as 600m². For the purposes of my evidence, I have assumed a density of 600m², consistent with Mr Espie's evidence.

4.7 **Figure 3** below depicts the spatial arrangement of the TB Precinct and Precinct areas on the submitter's land.

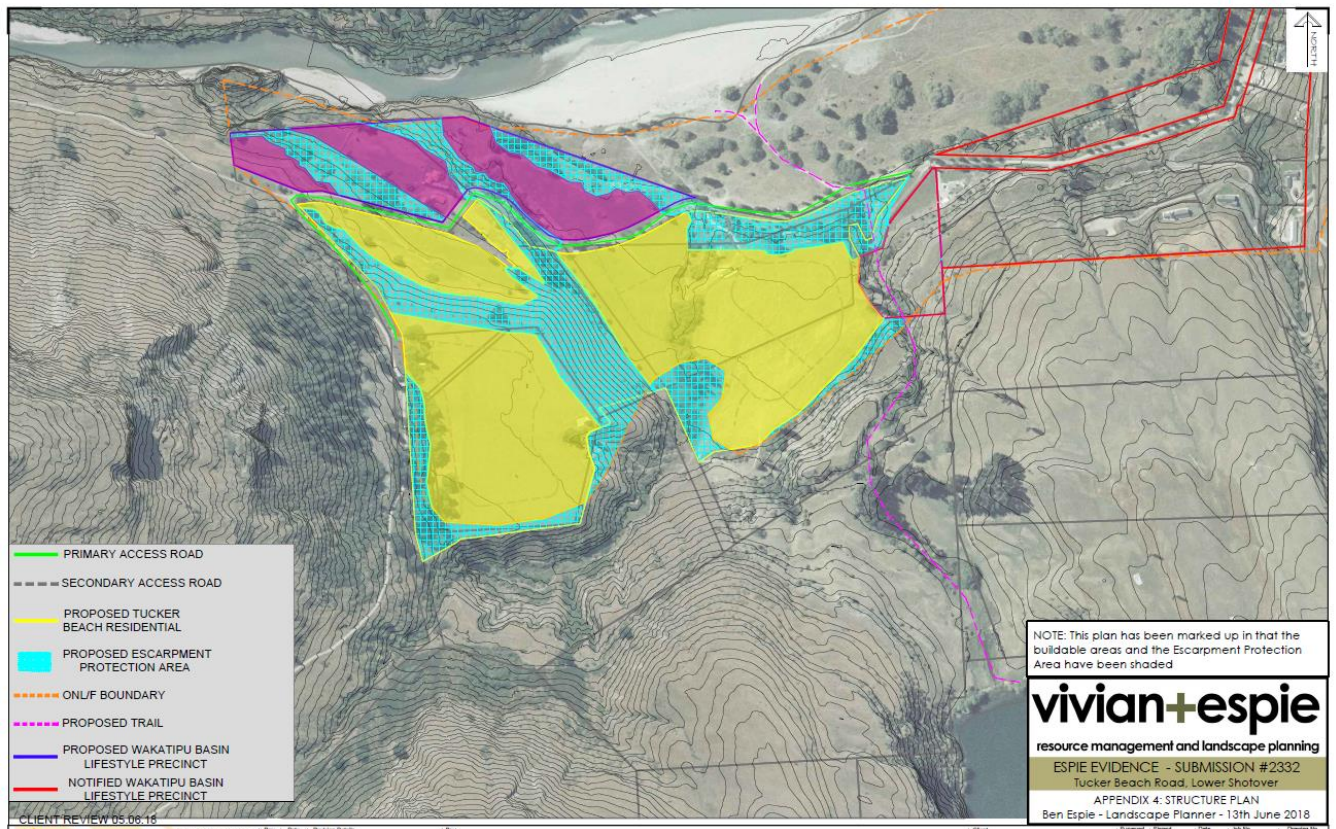


Figure 3: Tucker Beach Structure Plan. Yellow shaded areas correspond to the TB Precinct areas. Pink shaded areas correspond to the Precinct areas. Blue hatched areas correspond to the Escarpment Protection Area. (Source: B Espie EiC.)

- 4.8** At Section 5.5 of his evidence, Mr Espie argues that the western end of LCU 4 has the capability to absorb development of the type anticipated in the TBSP as a consequence of:
- (a) The visually discrete character of the submission land such that development of the type anticipated will not adversely impact on the character of the wider Basin landscape.
 - (b) The consistent patterning of rural residential development along Tucker Beach between Quail Rise and the site (as opposed to the impression of decreasing development as one moves westwards across the LCU from Quail Rise as described in Schedule 24.8 under ‘Sense of Place’), and the logic that this patterning lends to the proposed arrangement of urban development on the submitter’s land at the far western end of the LCU.

- (c) The flat and easy contour of the land.
- (d) The geomorphological distinction of the site from the adjacent ONL.

4.9 I agree with Mr Espie that the flat topography of parts of the site, on the face of it, makes it relatively well suited to absorbing additional development. I will discuss the issue of the site's capability to absorb additional development shortly.

4.10 I also agree that the confinement of TB Precinct to the flat river terrace areas is sympathetic to the intentions of avoiding adverse effects on the adjacent ONL (and the landscape generally), and that the marked change in landform pattern coinciding boundary of the structure plan area goes an appreciable way to establishing a clearly legible and defensible edge.

4.11 Nonetheless, were the Panel minded to approve the TBSP, it is my recommendation that the landscape buffer associated with the proposed EPA is extended along the western and southern edges of the TBSP area (and the provisions modified) to ensure a continuous landscape buffer (minimum width 20m) incorporating a cohesive large-scale planting strategy to the ONL edges of the TB Precinct. I agree with Mr Espie that there are many instances in the District where urban development is inevitably 'hard up' against ONLs; however, it is my view that where the opportunity exists to augment such edges by way of a vegetated landscape buffer, it should be utilised as it enables a more sympathetic transition between the contrasting land uses (and landscape characters). In my opinion, the greenfield development at the boundary of the TBSP area presents such an opportunity.

4.12 It is also my recommendation (should the Panel approve the TBSP) that a walkway/cycleway network should be integrated into this boundary landscape buffer, linking with the proposed Lake Johnson Trail and the Lower Shotover. Such an outcome is consistent with urban design best practice which seeks to optimise opportunities for

creating circular walkway/cycleway routes in close proximity to urban areas.

- 4.13** However, more fundamental to my evaluation of the appropriateness of the TBSP are the concerns I have with respect to the adverse visual and urban design effects of the rezoning. My evidence will focus on rebutting those areas where I disagree with Mr Espie's evaluation with respect to these matters.

Visual Effects

- 4.14** In my opinion, Mr Espie has underestimated the adverse visual effects of the TBSP in relation to the Littles Road catchment to the north of the site, the Shotover River corridor and Reserve land adjacent the site, residents and users of Tucker Beach Road to the east, and, to a lesser degree as a consequence of the moderating influence of distance, the Domain Road/Slopehill (western faces) catchment to the east.
- 4.15** Referencing Mr Espie's Viewpoint 1, which illustrates the outlook from Littles Road, and his Appendix 6 Scheduled Tree photographs, together with my knowledge of the area, I do not share the same confidence that the proposed TB Precinct will generate 'adverse visual effects of a low degree'. In my opinion, Mr Espie has failed to have regard to the contrasting built development pattern that the TB Precinct will introduce into this outlook. At a density of 1 dwelling per 600m², I consider this will form an incongruous element within an outlook that is characterised by relatively spacious and carefully designed rural residential development (Littles Stream catchment and Tucker Beach Road margins) within an overwhelmingly undeveloped and rural, mountain setting. Whilst the protected vegetation will serve to filter views of built development and the provisions enable the use of building colours to manage effects, I consider the visual outcome will be distinctly urban as a consequence of the intensity and density of built development anticipated. This is despite the lie of the land, which means that the 'interior' of the upper TB Precinct terrace is obscured from view.

- 4.16** In my opinion, the absence of other development of this nature and intensity within the wider outlook will serve to heighten the contrast of the introduced urban patterning.
- 4.17** I consider that for residential properties closer to the site on the northern side of the Shotover River (which are generally considered to be more sensitive to visual amenity effects in comparison to public viewing audiences), the adverse visual effects of the proposal will increase as the moderating effects of distance diminish with proximity. I note that dwellings on the terraces on the north side of the river are as close as 500m from the TB Precinct area and although they are below the urban area, I expect a line of urban development will be clearly visible along the terrace edges (albeit filtered by protected vegetation, and, to a far lesser degree, possible new plantings in places).
- 4.18** On balancing these considerations (and adopting the effects rating scale attached as **Appendix A**), it is my view that adverse visual effects in relation to this catchment are likely to range from **moderate-low** to **high** depending on proximity.
- 4.19** For users of the Shotover River corridor and associated public spaces (including the DoC Reserve), Mr Espie considers that the low use of the river corridor for recreational use, the visibility of the existing rural residential development along Tucker Beach Road and its similarity in character to the proposal, and the 'partial screening' by existing and proposed vegetation are such that the proposed development will generate adverse visual effects to a low degree only.
- 4.20** I disagree. Referencing Mr Espie's Viewpoint 3 Tucker Beach Reserve photograph, it is my expectation that the urban development throughout the upper terrace will read as an almost continuous line of residential buildings (noting the 2m internal yard setbacks and inevitably relative small scale of vegetation that can occur between dwellings).
- 4.21** While the control of building colours may reduce the prominence of such a patterning in this outlook, at this proximity (200-800m) and

within the context of an almost entirely undeveloped backdrop, I consider such an outcome to be distinctly jarring and starkly different to the existing rural residential development character evident along Tucker Beach Road.

- 4.22** Unlike Mr Espie, I have little confidence that vegetation on the escarpment face below the terrace will contribute an appreciable filtering effect in such views, as I expect the majority of the escarpment faces will be kept 'open' to retain the highly attractive views afforded from the terrace out over the Shotover River corridor and wider Basin and mountain landscape. (To this end, I note that the provisions anticipate that only 15% of the EPA should be in planting coverage.⁹)
- 4.23** Whilst the river corridor itself may be used infrequently (although on my visits to the area, I have seen people walking their dogs), Mr Espie does acknowledge that the DoC Reserve (adjacent the river) is relatively well used for informal recreation. I consider the low-key, undeveloped and informal recreation focus of these areas, together with the ONL status of the river corridor itself, makes it highly sensitive to visual (and landscape) change of this nature.
- 4.24** Further, I consider that the introduction of urban development along the edge of the elevated terrace would detract from the impression of the ONL behind as a large-scale, dramatic and seemingly 'untouched' landscape.
- 4.25** On balancing these considerations, I am of the opinion that adverse visual effects in relation to these audiences rate as **high**.
- 4.26** Turning to audiences to the west along Tucker Beach Road, as demonstrated in Mr Espie's Viewpoints 4, 5 and 6, again, I consider that the urban pattern (depicted by the areas shaded red) will read as an incongruent and discordant pattern within a context that exhibits a generally spacious and low-key development character. Whilst the pattern of existing rural residential development along the edge of Tucker Beach Road reads as a line from some vantage points in this

9 2332 Middleton Family Trust: N Geddes EIC Appendix 3: 24.4.33(c)

catchment (e.g. Viewpoint 6), it is relatively spacious in character (approximately 4,500m² - 6,000m² lots) enabling substantial plantings between dwellings that avoids the perception of a 'mass' of buildings. I do not consider that this visual patterning provides a 'contextual fit' for urban development at a density of 600m².

- 4.27** Further, as for the public vantage points along the Shotover corridor, the introduction of the TB Precinct in these views will detract from the impression of the backdropping ONL as a large-scale, dramatic and seemingly 'untouched' landscape.
- 4.28** On balancing these considerations, I am of the opinion that adverse visual effects in relation to these audiences rate as **high**.
- 4.29** With respect to the Domain Road and Slope Hill audiences to the north east, I agree with Mr Espie that distance contributes a moderating effect with respect to adverse visual effects.
- 4.30** That said, I would be inclined to a **moderate-low** rather than **low** adverse rating in this regard, largely as a consequence of the change introduced by a dense urban patterning within the context of an existing relatively undeveloped landscape panorama (Refer Photograph 3 on page 38 of my evidence in chief, which illustrates the more open view to the area that is available from Domain Road, rather than the tree-studded outlook relied on by Mr Espie).

Urban Design effects

- 4.31** Perhaps more problematic than the abovementioned adverse visual effects are the adverse urban design effects of locating urban development at a density of 1 dwelling per 600m² at the end of a dead-end road and separated from nearby urban development by an appreciable band of unserviced rural residential development that is flanked by Rural and Amenity zoned land.
- 4.32** Mr Espie's evidence touches on this matter; however, in my view it appears to miss the point. My concern focuses on the fragmented pattern of urban development (rather than the island of rural

residential development that would be created along Tucker Beach Road).

4.33 In my opinion, a fragmented urban development pattern on a dead-end road is fundamentally contrary to the principles of connectivity¹⁰ and context¹¹ that underpin sound urban design.

4.34 For completeness, with respect to landscape character effects, I consider that were the site considered to be fundamentally suited to urban (or Precinct) development, the confinement of development to the flat terrace areas and the alignment of open space areas to coincide with the steeper landform features of the property are both design devices that assist with the management of adverse landscape effects.

4.35 However, in my opinion the adverse visual effects outlined above, together with the very poor urban design outcome of enabling urban development of this density (600m²) in this part of the Basin outweigh these more positive attributes such that overall, I consider the adverse landscape character effects associated with the TBSP rate as **high**.

4.36 In coming to these conclusions, I acknowledge the landscape benefits of the EPA (34% of site) and associated land management strategy, and the Tuckers Beach Trail which will enable public access to the previously inaccessible Lake Johnson.

4.37 I do, however, agree with some of the suggested amendments to the Schedule 24.8 LCU 4 description attached to Mr Geddes' evidence, which provide greater clarity around the character of the unit to assist the appropriate ongoing resource management of the area. Specifically, I concur with:

- (a) Under 'Visibility/prominence' – reference to the flat terraces at the western end of the unit under as not being prominent,

10 Connectivity relates to the idea of a well-connected and permeable town or city that enables easy movement via a range of routes and usually discourages car use by encouraging local trips by foot, cycle or public transport.

11 Context relates to the idea of seeing buildings, places and spaces as part of whole towns and cities (Source: New Zealand Urban Design Protocol).

although I recommend this is qualified to relate to ‘the interior of the flat terraces at the western portion of the unit’ rather than the flat terraces per se.

- (b) Clarification under ‘Sense of Place’ that the unit reads as being close to, but sitting above, the Shotover River.... with a continuous sleeve of rural living as one moves westwards from Quail Rise with a qualification that this ends in the vicinity of the DoC Reserve.

4.38 I remain of the view that the western portion of the unit is relatively exposed to view (albeit acknowledging above, that the interior of the flat terraces are not prominent) and that the unit is indeed located within a high value landscape context, given that it is sandwiched between the Shotover River ONL to the north and the Ferry Hill/Sugar Loaf ONL to the south.

4.39 For these reasons, I am opposed to the amended relief sought by the Middleton Family Trust, excepting some limited amendments to the Schedule 24.8 LCU 4 Tucker Beach LCU description.

5. CAREY VIVIAN FOR D BROOMFIELD & WOODLOT PROPERTIES LIMITED (2276)

5.1 Mr Carey Vivian has prepared planning evidence on behalf of D Broomfield and Woodlot Properties Limited.

5.2 Mr Vivian is critical of my evaluation of the appropriate location of the Precinct boundary on the submitter’s land and, in particular, considers that I have failed to take into account an approved 8 lot rural residential development (RM 130386) on the property in coming to my conclusions on the location of the Precinct boundary.¹²

5.3 It is Mr Vivian’s view that the PDP Stage 2 Precinct boundary (which coincides with the 400m contour line) is arbitrary in nature.¹³ Mr Vivian suggests an alternate alignment for the Precinct boundary that

¹² 2276 Broomfield and Woodlot Properties” C Vivian EiC: paragraphs 2.11 and 2.17.

¹³ Ibid: paragraph 2.18.

encompasses all of the consented development on the submitters' land, together with the approved platforms on the properties immediately adjacent.¹⁴ Mr Vivian has provided mapping of his preferred Precinct boundary (together with the PDP Stage 2 mapping) which is reproduced below in **Figure 4** together with mapping of the approved subdivision – refer **Figure 5** below.

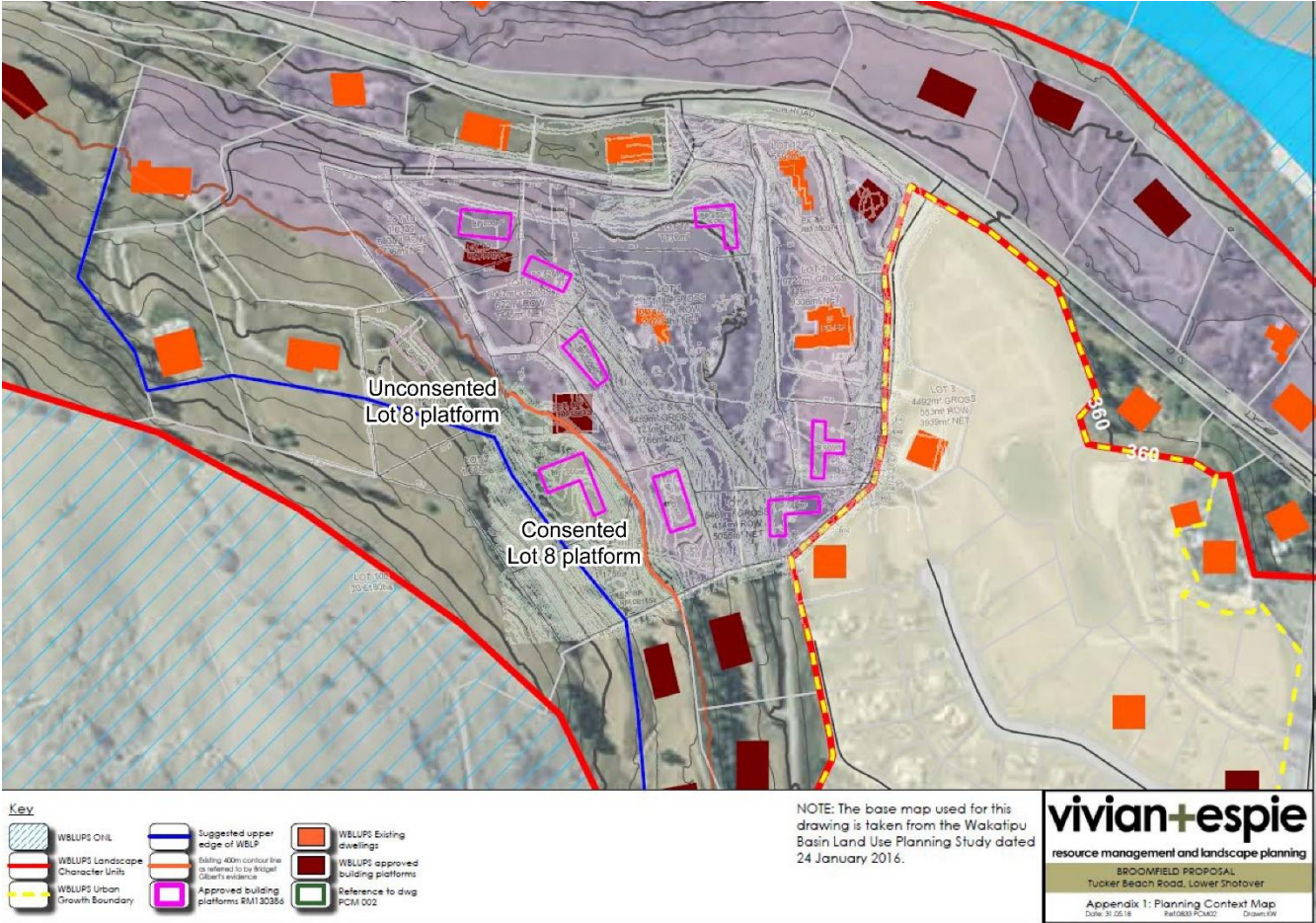


Figure 4: Mr Vivian's preferred Precinct boundary shown in blue. PDP Stage 2 Precinct boundary shown in orange and corresponding to the 400m contour line. Consented building platforms (RM130386) shown in pink outline. Unconsented Lot 8 platform in faint outline. Consented Lot 8 platform in pink outline. (Source: C Vivian EiC.)

14 Ibid: paragraph 2.19.

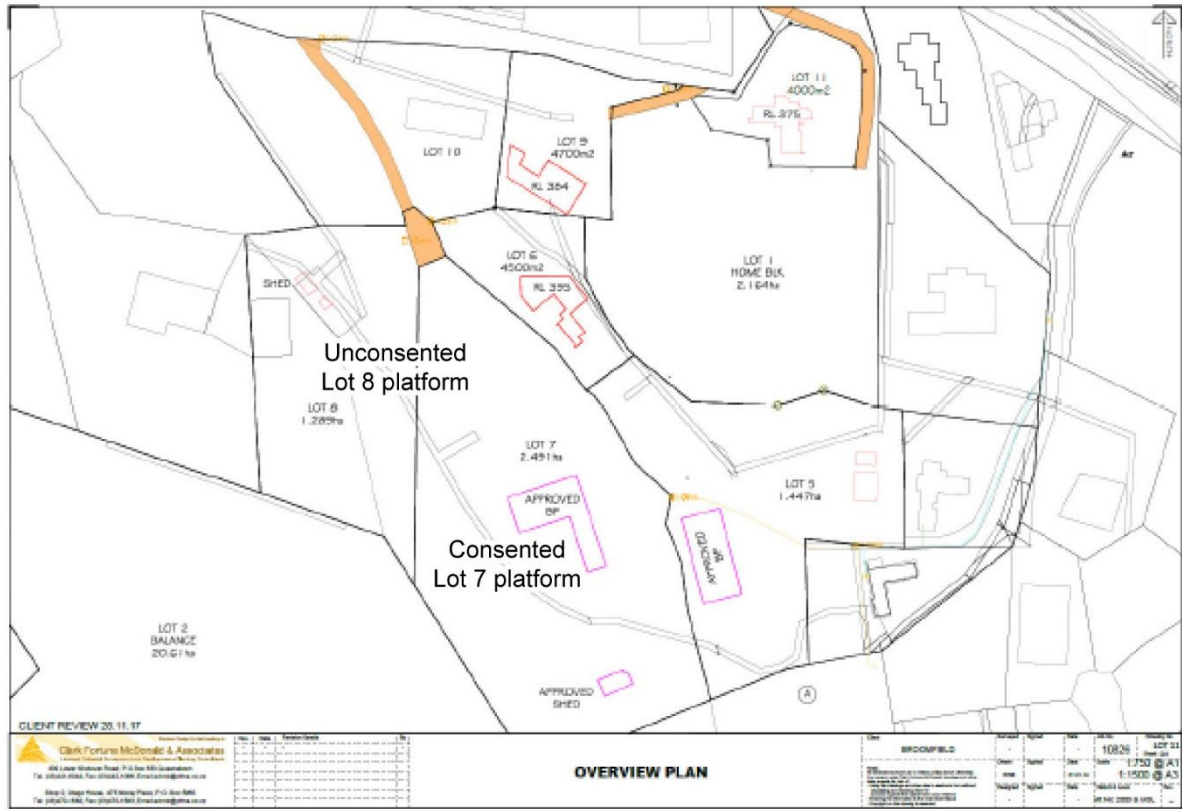


Figure 5: Unconsented Lot 8 platform and consented Lot 7 platform (Source: C Vivian EIC.)

- 5.4 I have reviewed the Decision in relation to the approved 8 lot rural residential development (RM 130386) on the property, referred to by Mr Vivian.
- 5.5 I note that both Lots 7 and 8 on **Figure 4** are located above the 400m contour line.
- 5.6 It is my understanding that Lot 8 was deleted from the approved subdivision layout on the basis of adverse landscape and visual effects¹⁵ and that the generous scale of approved Lot 7 (which incorporated the 'deleted' Lot 8) was considered to be necessary to manage the effects of the development. The following extract from the RM130386 Decision provides context in this regard:

The subdivision application has the status of a non-complying activity, primarily because the two hectare minimum area for lots in the Rural Lifestyle Zone would not be met. This status means that under section

15 Citing adverse visual effects in relation to the Domain Road and Lower Shotover areas and the neighbouring property to the west.

104D we have jurisdiction to grant consent only if we are satisfied that at least one of the “threshold tests” set out in that section would be met. We are satisfied that, with the deletion of proposed Lot 8 and the suite of conditions to be imposed, the adverse effects on the environment would be only minor.

8. We accept that the undulating contours of the site and the existing vegetation make it easier to fit more dwellings into the landscape here than is normally the case. We agree with the Council landscape architect’s assessment that the proposed intensification of development would bring this locality to the limit of what can be absorbed while maintaining the landscape character intended for the Rural General and Rural Lifestyle Zones. The larger lots, in particular Lot 7, should not be regarded as having subdivision potential; they are part of an overall “package” for the locality. [Emphasis added]

- 5.7** In my opinion, this points to the higher landscape sensitivity of this part of the submitter’s property and supports the conclusions of my evidence in chief that rural residential development on land above the 400m contour is likely to generate adverse landscape and visual effects on the wider Basin landscape.
- 5.8** That said, I do have a sympathy with Mr Vivian’s criticism of the seemingly arbitrary nature of reliance on a contour line to delineate the Precinct edge on a large scale hill landform that has a reasonably even slope profile.
- 5.9** In this instance, there is no easy solution with respect to the delineation of the Precinct, as there are no clear geomorphological features evident. Reliance on a contour line at least provides plan users with a definite location for the Precinct boundary (noting that the LiDAR source contour data relied on to determine the Precinct boundary is accurate within + or - 0.25m).
- 5.10** In my opinion, Mr Vivian’s approach of configuring the Precinct boundary to ‘capture’ the consented development on the submitter’s land and neighbouring properties is more arbitrary in comparison to the contour line method and would be extremely difficult to administer ‘on the ground’. (By way of explanation, a hand held GPS unit could

be used to determine the location of a 'contour line' boundary in the field, whereas there are no obvious 'cues' to assist the identification of Mr Vivian's boundary on the ground.)

5.11 A Precinct boundary of this nature would also, in my view, be more vulnerable to development creep. For example, if the consented developments were to seek variations to the platform locations and/or sheds and the like were introduced further up the hillslope, it could make it extremely difficult for Council to 'defend the line' put forward by Mr Vivian.

5.12 The visual importance of the lower slopes of Ferry Hill (including the submitter's land) to the overall visual integrity of the Ferry Hill ONL in views from the wider landscape (Domain Road, Lower Shotover Road and, to a lesser degree, Littles Road environs) means that such an outcome is likely to comprise an appreciable adverse landscape effect.

5.13 For these reasons (together with the reasons set out in my evidence in chief at Section 15), I remain opposed to the rezoning requested in the Broomfield and Woodlot submission.

6. PATRICK BAXTER FOR WATERSTON (2308)

6.1 Mr Patrick Baxter has prepared landscape evidence in support of the rezoning sought on the Waterston property on the south side of Tucker Beach Road and at the base of Ferry Hill.

6.2 The thrust of Mr Baxter's evidence is that because (in his opinion) two proposed residential building platforms on the property will not generate adverse landscape and visual effects (as a consequence of their location, in combination with location-specific development controls), the Precinct boundary should be amended to incorporate that land within the Precinct.

6.3 The mapping in Mr Baxter's evidence provides helpful clarification of the relief sought and is reproduced below.



Figure 6: 'New' Precinct boundary recommended by Mr Baxter shown as blue dashed line. (Source: P Baxter EIC.)

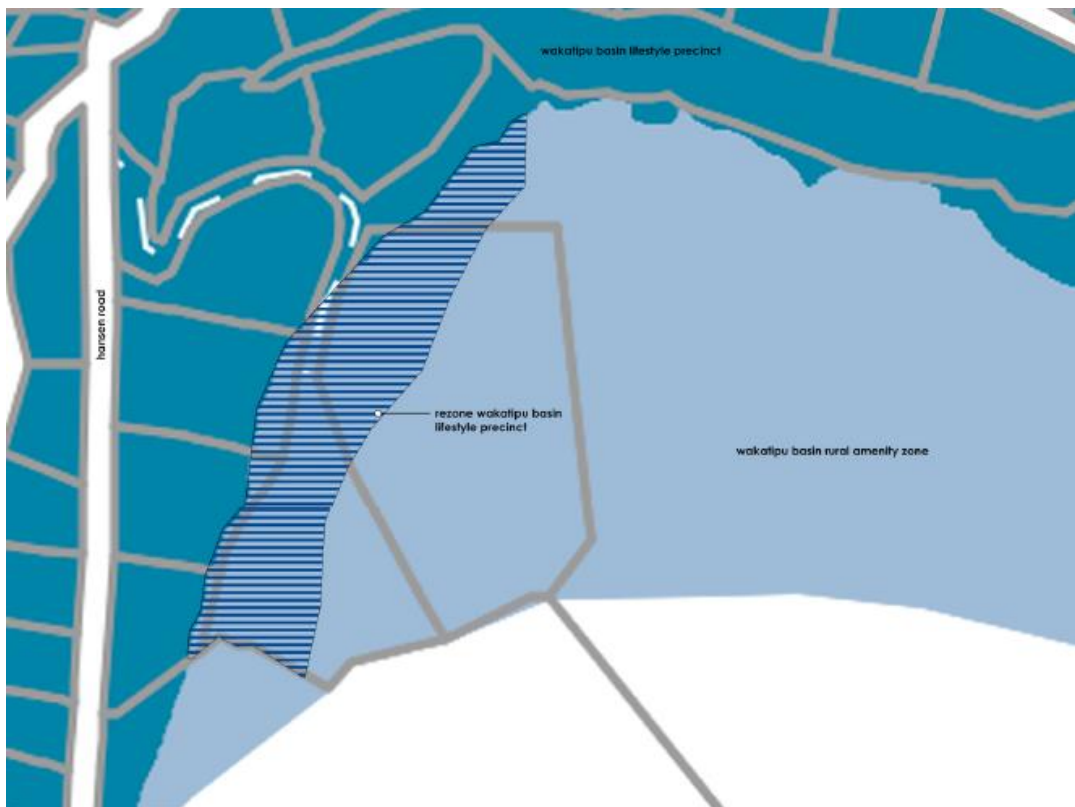


Figure 7: 'New' Precinct area recommended by Mr Baxter shown as blue horizontal hatch. (Source: P Baxter EIC.)

- 6.4** The analysis provided by Mr Baxter amounts to an evaluation of the two platforms (assuming his location-specific development controls) rather than an analysis as to why he considers the Precinct is more appropriate in this location from a landscape perspective. As such, I consider his evidence to be more suited to a resource consent application rather than a plan change.
- 6.5** Like the Broomfield and Woodlot Properties submission discussed above (Section 5), the Precinct boundary preferred by Mr Baxter is, in my opinion, more arbitrary in comparison to the 400m contour line method and would be extremely difficult to administer 'on the ground'.
- 6.6** Whilst the 'no build area' addresses potential concerns of development creep further up the hillside, I do not consider that this site-specific covenant that was introduced to manage the effects of a subdivision on the site should dictate the alignment of the Precinct boundary, as the latter needs to consider the site in its wider context including the patterning of potential development on neighbouring sites and throughout the wider landscape.
- 6.7** For these reasons, I remain opposed to the rezoning sought in the Waterston submission.

LCU 6 WHAREHUANUI HILLS (High)

7. PHILIP BLAKELY FOR X RAY TRUST LIMITED & AVENUE TRUST (2619)

- 7.1** Mr Philip Blakely has prepared landscape evidence in support of the X Ray Trust & Avenue Trust submission in relation to the parts of their land that fall within LCU 6 Wharehuanui Hills (referred to hereafter in Section 7 as the 'submitter').
- 7.2** Mr Blakely considers that the Precinct zoning over the Plateau area and including the Donaldson block (which also coincides with LCU 6, however is outside of the submitter's landholding) will generate significant adverse landscape and visual effects and will not

safeguard what he describes as the “significant and important landscape characteristics” of the area.¹⁶

7.3 The submitter originally sought the adjustment of the Landscape Feature line along the south edge of the Plateau. Mr Blakely’s evidence is silent on this issue, other than to confirm that he generally agrees with the location of the LCUs.¹⁷ I infer that Mr Blakely is not disputing the location of the Landscape Feature line, given that the latter aligns with the LCU 6 boundary.

7.4 I agree with Mr Blakely that the eastern end of LCU 6 displays a more open character (in comparison to the central and western end) as a consequence of the larger scale of blocks and fewer trees. I also agree that the ice-shaped landforms of the elevated plateau and the escarpment and steep hill slopes that line the northern and southern side of the unit are noteworthy landscape features and patterns that are expressive of the landscape’s formative processes.

7.5 I consider that the proposed provisions provide for the appropriate protection of these aspects of the landscape via:

- (a) the configuration of the Amenity Zone to include the escarpments and steep hillslopes to the north and south of LCU 6 (and noting the recommended amendment to the extent of the Amenity Zone at the eastern end of the Speargrass Flats as explained in Section 31 of my evidence in chief);
- (b) the introduction of the Landscape Feature setback along the crest of the escarpment ‘ridgeline’ that requires buildings to be set back a minimum of 50m from the ridgeline edge; and
- (c) assessment criteria for subdivision (and potentially land use consents depending on whether the Panel agrees that new buildings should be a restricted discretionary activity) that requires careful consideration of the retention of landform

¹⁶ 2619 X Ray Trust & Avenue Trust: P Blakely EiC: paragraph 3.2.

¹⁷ Ibid: paragraph 4.1.

patterns, the alignment of lot boundaries in relation to landform features, and the appropriateness of introducing site-specific development controls to manage the effects of earthworks and retaining structures.

7.6 Mr Blakely cites the negative outcome of the established rural residential development at Dalefield with respect to the maintenance of landscape legibility and expressiveness, and considers that a similar result is likely to occur with the Precinct in LCU 6.¹⁸ It is my understanding that the majority of rural residential development in Dalefield was developed under the 'transitional' provisions in the 1990s that were considerably more permissive than the Precinct.

7.7 I do not agree with Mr Blakely's conclusions that the eastern end of the character unit does not display a rural living or parkland character. I expect that this difference in opinion between Mr Blakely and myself stems from our varying evaluation of the influence of the following two aspects on the landscape character of this part of the unit:

- (a) the two very large rural residential dwellings that have been consented on the Plateau, with generous manicured curtilages and extensive amenity plantings as depicted by Figure 28 in my evidence in chief (page 71)¹⁹; and
- (b) the urban development within Millbrook on elevated land adjoining and 'at grade with' the Donaldson block. **Figure 8** below demonstrates this spatial relationship.²⁰

18 Ibid: paragraph 5.2.3.

19 And acknowledging that the dwelling that has been constructed on the X Ray Trust land comprises a very high quality and sympathetic architectural design.

20 It should be noted that the X Ray Trust and Avenue trust land does not enjoy the same 'connection' with Millbrook as a consequence of the configuration of the South Dalgleish Area (refer my EiC Figure 68) such that buildings are screened from view by intervening landform (corresponding to Landscape protection and Golf Course/Open Space areas.

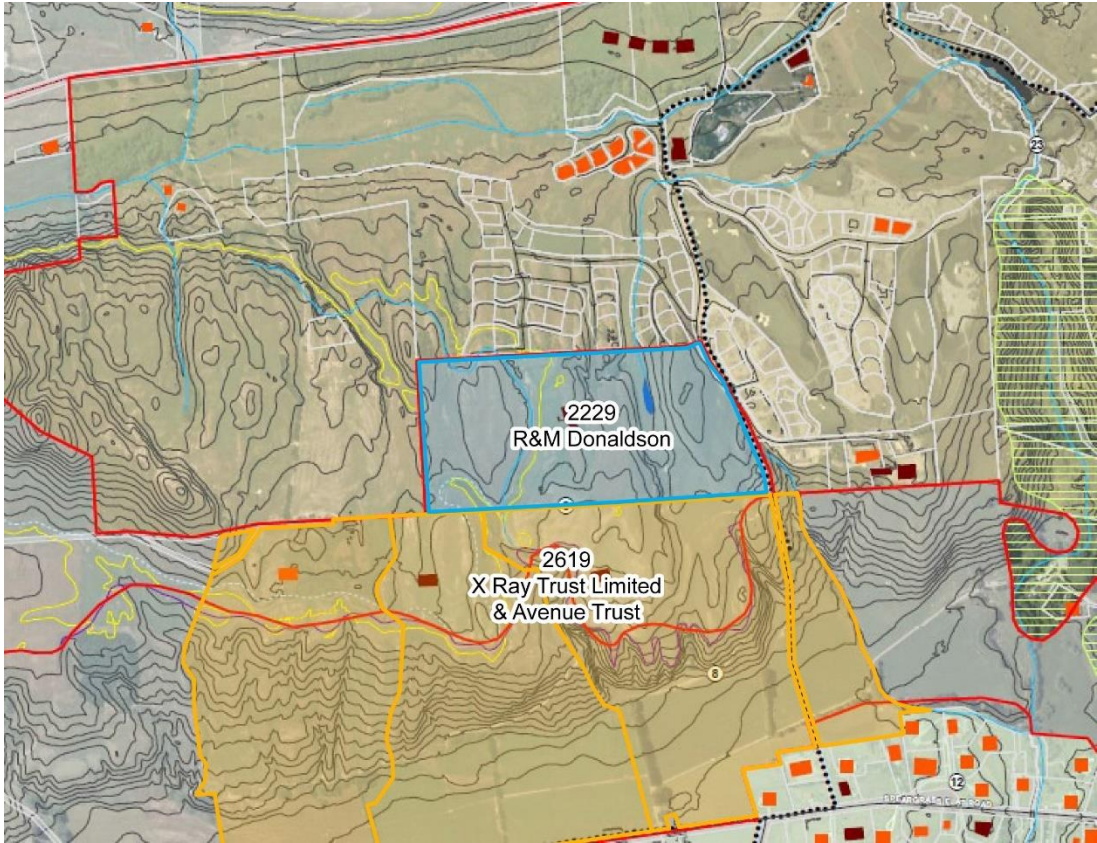


Figure 8: Location of the Donaldson Block adjacent Millbrook complete with road connections. (For mapping legend refer my EiC Annexure 5.)

- 7.8** I also do not share the same concerns as Mr Blakely with respect to the importance of the eastern end of LCU 6 as a foil to Millbrook in views from the surrounding area.
- 7.9** I note that Photographs 1-3 in Mr Blakely's evidence appear to comprise drone shots. Whilst these are helpful in assisting an understanding of the spatial arrangement of the landscape, they are not representative of views that are typically 'experienced'.
- 7.10** With respect to Mr Blakely's Photograph 5 which illustrates the view from Malaghans Road to the east of the Millbrook entrance, the Donaldson block is seen above Millbrook as an 'intermediate' pastoral ridgeline. I consider that the distance of the viewer (over 1km) together with the visually complex, patterning of urban style (Millbrook) development extending up the ridgeside contribute an appreciable moderating effect. I do not regard the Donaldson block to function as an important foil or backdrop to Millbrook in this view such that it warrants Amenity zoning and I note that in other views to

Millbrook along this stretch of Malaghans Road, two storey relatively intensive urban buildings at Millbrook are seen on the same (descending) ridgeline landform upon which the Donaldson block is located.

- 7.11** Nor do I consider that it reads as a legible escarpment edge in the manner that it does on its south side (facing Speargrass Flats) that merits protection via the Landscape Feature setback. Further, I consider that the landscape-driven assessment criteria for subdivision (and potentially land use consents, subject to the Panel's recommendations in that regard) will ensure that any future Precinct development visible in this outlook will not detract from the character and quality of the outlook.
- 7.12** In my opinion, distance contributes a significant moderating effect in Mr Blakely's elevated views (his Photographs 6 and 7) such that the change associated with the Precinct (assuming the landscape-driven assessment criteria etc) throughout the Plateau and Donaldson land will not detract from the character and quality of this outlook.
- 7.13** With respect to Mr Blakely's Photograph 8, which illustrates the view from Hogans Gully Road to the south east of the Plateau, I note that the Landscape Feature setback, in combination with the proposed building height controls and overall restricted discretionary activity status that allows for the careful consideration of the maintenance of such views, will ensure that built development within the Precinct does not breach the legible escarpment landform; and, in so doing, will not detract from the quality and character of the outlook enjoyed from this orientation.
- 7.14** With respect to Mr Blakely's concerns raised in relation to the adverse effects of earthworks on the Plateau area, I consider that the assessment criteria outlined under my discussion of the protection of the landform qualities of the Plateau will ensure such effects are appropriately managed. In terms of adverse earthworks effects on the hillsides, my review of QLDC aerial photography and cadastral mapping suggests that any new development on the Donaldson block would be accessed via Millbrook.

7.15 In coming to my conclusion with respect to the relief sought by the submitters, I note that the owners of the Donaldson block are supportive of the Precinct on their land. I also note that Mr Andrew Craig, who has provided landscape evidence on behalf of Millbrook, acknowledges the X Ray Trust & Avenue Trust and the Donaldson submissions; however, is silent as to whether he supports or opposes the relief sought in each.

7.16 On balancing these considerations, I remain opposed to the relief sought by the submitters in relation to their land and the Donaldson block that falls within LCU 6.

LCU 8 SPEARGRASS FLATS (Eastern end: High; Central and Western end: Low)

8. STEPHEN SKELTON FOR WAKATIPU EQUITIES LIMITED (2479)

8.1 Mr Stephen Skelton has provided landscape evidence and Mr Ben Farrell has provided planning evidence on behalf of Wakatipu Equities Limited (**WEL**).

8.2 WEL have requested that their land within LCU 8 is rezoned from Amenity Zone to Precinct. Mr Skelton's evidence supports the rezoning of WEL's flat land adjacent to Speargrass Flat Road as Precinct (amounting to a reduction in the extent of rezoning originally sought by WEL), and considers that the Precinct should be extended to include the lower-lying land adjacent Speargrass Flat Road and Lower Shotover Road, to the west of the WEL landholding.²¹ The extension of the Precinct proposed by Mr Skelton is depicted in **Figure 9** below.

21 2479 Wakatipu Equities (and 2479 Slopehill Properties): S Skelton EiC: paragraph 23.

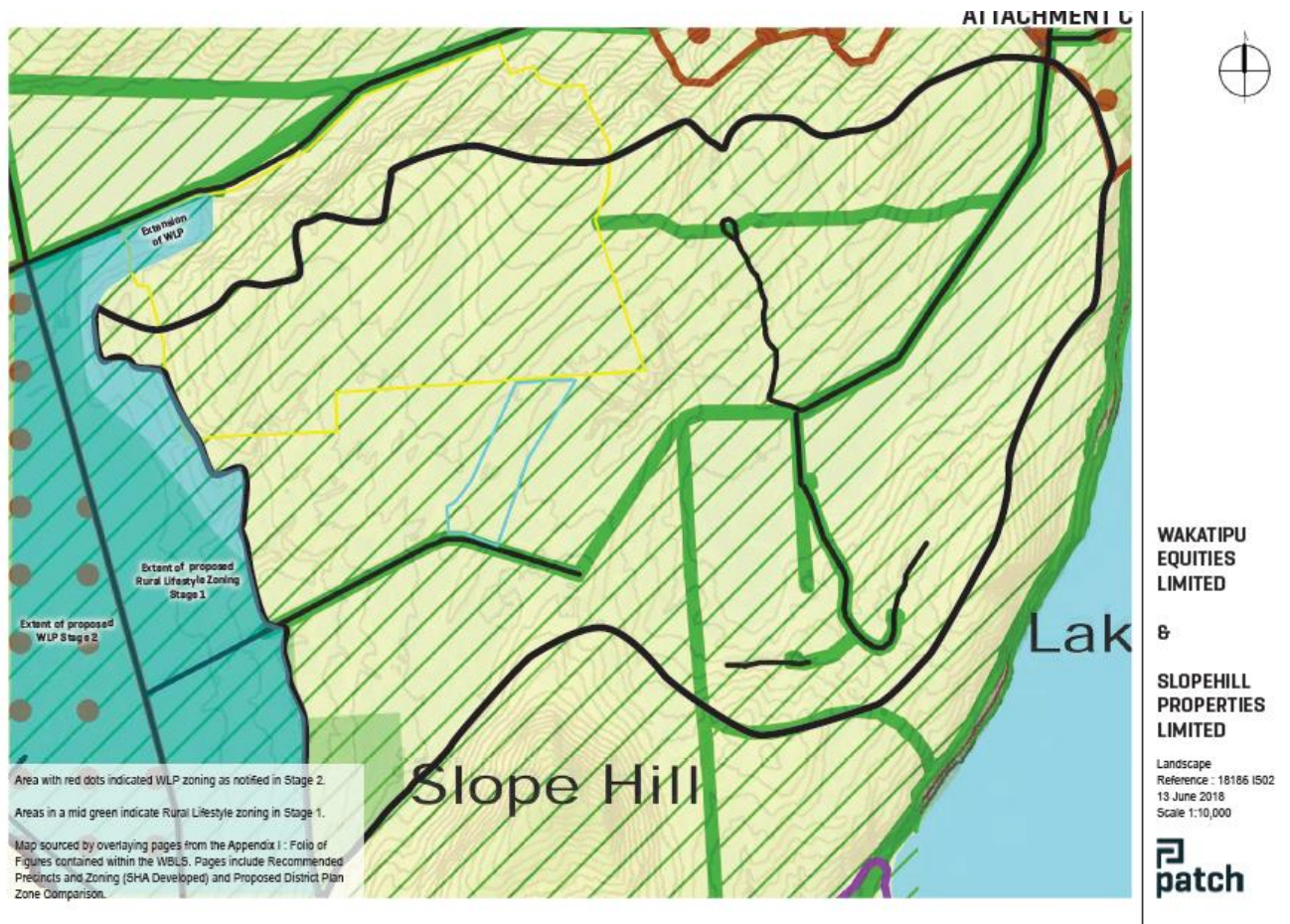


Figure 9: 'New' Precinct area recommended by Mr Skelton depicted in light blue and blue green toning to left of graphic. (Source: S Skelton EIC).

- 8.3** Mr Skelton does not appear to support the Precinct on the steep north-facing hillslopes within the WEL property, consistent with my evidence in chief.
- 8.4** Fundamental to Mr Skelton's analysis that the above described areas are suited to be zoned as Precinct is his interpretation that they form part of LCU 9 Hawthorn Triangle as a consequence of the existing level of rural residential development evident.²² Mr Skelton goes on to argue that the geomorphological boundary coinciding with his new extent of LCU 9 makes his 'new' Precinct area suited to successfully absorbing additional development.²³

²² Ibid: paragraphs 14 and 23.

²³ Ibid: paragraph 24.

8.5 I disagree with Mr Skelton's 'recrafting' of the extent of LCU 9 for the following reasons:

- (a) As Mr Skelton observes, the low-lying and flat WEL land is highly visible from Speargrass Flat Road.²⁴ I note that it is also highly visible from the southern portion of Hunter Road (refer **Photograph 1** below). In contrast, LCU 9 Hawthorn Triangle is almost entirely screened in views from Speargrass Flat Road by mature protected vegetation.
- (b) I consider the dense patterning, density and character of rural residential within LCU 9 Hawthorn Triangle (described as a large lot suburban parkland character in Schedule 24.8 under 'Sense of Place') to be markedly different to the considerably more spacious and vegetated rural residential patterning evident in Mr Skelton's LCU 9 'extension area'. **Figure 10** below illustrates this variance in patterning.
- (c) Further, the highly legible boundary to the 'Triangle' deriving from the (largely protected) vegetation patterns and distinctive geometric road layout also make a significant contribution to the identity of the area as a distinctive landscape character unit.
- (d) In my opinion, all of these factors 'come together' to result in the clearly legible and distinctive landscape character unit of LCU 9 as defined in the WB Study.

24 S Skelton EIC: paragraph 16.



Photograph 1: View from the mid-southern end of Hunter Road looking southwards. WEL land to the left of view and roughly coinciding with the elevated land behind the barn. (Source: Google Street View)

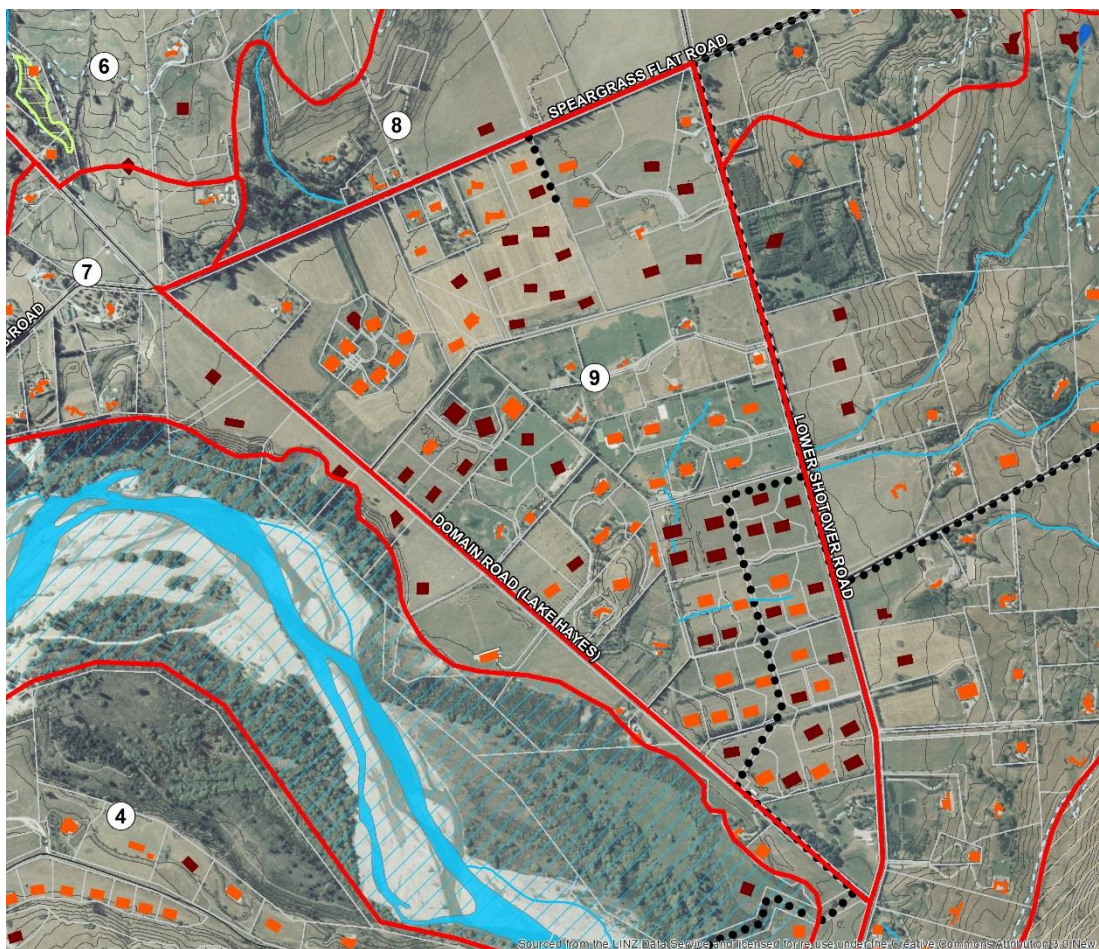


Figure 10: LCU 9 Hawthorn Triangle. Mr Skelton's LCU 9 'extension area' relates to the land on the east side of Lower Shotover Road. (For mapping legend, refer my EiC Annexure 5.)

- 8.6** As a consequence, I consider it somewhat spurious to include the flat WEL land adjacent Speargrass Flat Road and the land on the east side of Lower Shotover Road within LCU 9.
- 8.7** I also consider that the current Precinct boundary in this part of the Basin (coinciding with the Hawthorn Triangle edges) forms a legible and defensible boundary that does not need to be 'rectified' by Mr Skelton's reconfiguration.
- 8.8** For the reasons set out in my discussion of the Shotover Trust (2437) et al submission at Section 36 of my evidence in chief (and in particular paragraph 36.12), I do not consider it appropriate to apply the Precinct to the lower-lying land on the east side of Lower Shotover Road in the manner proposed by Mr Skelton.
- 8.9** I also consider that despite the reduced extent of Precinct proposed by Mr Skelton (in comparison to the original submission), such development would inevitably exacerbate the perception of ribbon development extending between the Hawthorn Triangle and the Lake Hayes rural residential area, noting that the very narrow margin of flat land adjacent to the south side of Speargrass Flat inevitably forces built development in close proximity to the road. This is contrary to the approach of the Variation, which promotes a generous road setback to maintain a sense of spaciousness in Precinct areas.
- 8.10** As recorded in my evidence in chief, such a patterning is at odds with a fundamental landscape principle that underpins the Variation, namely that rural residential development throughout the Basin is (by and large) confined to visually discreet nodes that are separated by spacious and open, 'more rural' areas.²⁵
- 8.11** For these reasons, I am opposed to the amended relief proposed by WEL in relation to their landholding within LCU 8 as outlined in the evidence of Messrs Skelton and Farrell.

25 For example, at my EIC paragraph 28.4.

9. PHILIP BLAKELY FOR X RAY TRUST LIMITED & AVENUE TRUST (2619)

- 9.1** Mr Philip Blakely has prepared landscape evidence in support of the X Ray Trust & Avenue Trust submission where it relates to LCU 8 (referred to in this section as the **submitter**). Ms Louise Taylor has prepared planning evidence also in support of the submitter.
- 9.2** It is Mr Blakely's view that the flat land adjacent Speargrass Flat Road within the submission area is suited to comprehensively designed cluster style development – referred to as the Arrowburn Structure Plan (**ASP**).²⁶ Appendix B to Ms Taylor's planning evidence on behalf of the submitters details the ASP provisions.
- 9.3** In summary, the ASP provides for rural residential development at an average density of 1 lot per 1 ha, within 5 'nodes' spaced out across the flat land (previously referred to as The Meadow in Section 30 of my evidence in chief). Each node would be surrounded by a generous building restriction area (that incorporates a 75m road setback from Speargrass Flat Road), excepting two of the central nodes that are located on either side of a shelterbelt, and the far eastern node, which is located in very close proximity to the western edge of the established rural residential area at the northern end of Lake Hayes.
- 9.4** It is unclear from the landscape evidence as to the quantum of additional buildings anticipated by the ASP; however, relying on the evidence of Mr Anthony Steele (who has provided engineering evidence in support of the ASP), it is my understanding that a total of 24 new dwellings are anticipated across the 5 nodes (ranging in size from just under 4,000m² to 1.19ha). This suggests that the overall density is calculated on the basis of the entire extent of the structure plan area (i.e. the Meadows area), and the likely development density within each of the 5 nodes is in the order of 1 dwelling per 1,200m².
- 9.5** Whilst I am not opposed to cluster rural residential development per se (and acknowledge the 'rural community' and landscape benefits that it can accrue), I consider that it is typically suited to locations where the grouping of buildings enables the retention of key

26 2619 X Ray Trust and Avenue Trust: P Blakely EIC paragraph 8.7 and Section 9.

landscape features such as landforms, wetlands, stream gullies, vegetation and the like; and/or enables the development layout to exploit existing landscape features to assist with the mitigation of visual effects. No such features are evident in the Meadows (or 'flat land on the north side of Speargrass Flat Road'), excepting the existing linear shelterbelt patterning that delineates the large-scale paddocks and farm drains. I do not consider that these features direct a cluster development approach.

- 9.6** As a consequence, I consider that within the context of a flat and relatively open landscape setting, such a development pattern is likely to read as somewhat artificial. Further, the lot sizes envisaged by the ASP are an appreciable departure from the scale of existing rural residential development along the south side of Speargrass Flat Road (typically around 3,500m² to 8,000m²) and to the east on the north side of Speargrass Flat Road (typically around 5,500m² to 7,500m²).
- 9.7** I also consider that the close proximity of a grouping of approximately ten 1,200m² lots at the western edge of the established rural residential area at the northern end of Lake Hayes is likely to adversely impact on the landscape and visual amenity values enjoyed by these more spacious rural residential properties.
- 9.8** Mr Blakely cites the early settlement patterns along valley floors in support of the ASP and considers that enabling Precinct in this location will result in a better outcome than Precinct zoning of the Plateau area.
- 9.9** I agree with Mr Blakely that early settlement would have favoured valley floors, but do not consider that this is the only factor that should guide the configuration of the Precinct today.
- 9.10** For these reasons, and those set out in my evidence in chief at paragraphs 30.12 to 30.16, I oppose the amended relief sought by the submitters for their land within LCU 8 (and as outlined in the evidence of Mr Blakely and Ms Taylor).

10. STEPHEN SKELTON AND PATRICK BAXTER FOR WATERFALL PARK DEVELOPMENTS LIMITED (2388)

- 10.1** Mr Stephen Skelton has prepared landscape evidence on behalf of Waterfall Park Developments Limited (**WPDL**) and Mr Jeffrey Brown has prepared planning evidence for WPDL.
- 10.2** A statement of landscape evidence has also been filed by Mr Patrick Baxter on behalf of WPDL. That statement does not relate to the PDP Stage 2 submission, but rather a resource consent application for a new road to the Waterfall Park Zone (**WPZ**). It is my understanding that consent has been granted for the road, although the period for filing an Appeal has not yet closed (at the time of preparing this rebuttal). For completeness, I consider that whilst the consented road comprises an urban type element complete with kerb and channel, a concrete footpath, intersection lighting at the Arrowtown Lake Hayes junction and pedestrian lighting at intersections and crossings, the careful alignment of the road in combination with its longitudinal profile and the proposed mounding and planting ensure that it does not dominate the local area, suggesting a cue for urban development.
- 10.3** This section of my evidence will focus on responding to Mr Skelton's evidence, referencing Mr Brown's evidence where applicable. My comments will consider the Ayrburn Zone Structure Plan (**AZSP** followed by the 'amended Precinct' relief supported by Mr Skelton (i.e. 4,000m² minimum lot size regime with no average lot size control) and his comments with respect to the PDP Stage 2 Schedule 24.8 Landscape Character Units.

Ayrburn Zone Structure Plan

- 10.4** Both Mr Skelton's and Mr Brown's evidence reference an amended version of the AZSP to that requested in the original submission (including mapping and provisions). Changes to the AZSP of relevance to my assessment can be summarised as follows:
- (a) The introduction of a 15m Open Space/Building Restriction area along the western boundary (adjoining the Queenstown Trail).

- (b) The introduction of a variable setback along the south boundary adjoining the existing rural residential development at the northern end of Lake Hayes, ranging in width from 25 to 100m and comprising either an Open Space/Building Restriction area or a Tree Protection Area.
- (c) Reconfiguration of the extent of Village and Residential land uses in the central / eastern portion of the site.

10.5 Mr Skelton acknowledges that the AZSP will result in urban development²⁷ and argues the following characteristics in support of the appropriateness of such a development in this location:

- (a) The limited visibility of the interior of the site (excepting in views from the Queenstown Trail, discussed shortly);²⁸
- (b) The benefits of the 25m-100m setback (comprising an Open Space/Building Restriction or Tree Protection Area) along the south boundary to the maintenance of visual amenity values for the neighbouring rural residential properties on the northern side of Speargrass Flat Road²⁹;
- (c) The benefits of the proposed 15m setback along the west boundary (comprising an Open Space/Building Restriction area and the encouragement of a vegetated buffer to partially screen views of built development) which, in conjunction with the Queenstown Trail, he considers will create a legible and defensible edge;³⁰ and
- (d) The urban character of Millbrook and the Waterfall Park Zone (**WPZ**) which (in his view) suggests a 'contextual fit' for urban development on the site.³¹

27 2388 Waterfall Park Developments: S Skelton EiC: paragraph 31.

28 Ibid: paragraph 46.

29 Ibid: paragraph 47.

30 Ibid: paragraph 39.

31 Ibid: paragraph 31.

Visual Effects

- 10.6** Mr Skelton considers that all external views of the proposed urban AZSP development will be adequately mitigated except the view from an elevated section of the Queenstown Trail coinciding to the Christine's Hill area. In that outlook, he considers adverse visual effects would rate as **moderate**, although I note that he provides no explanation of the rating scale that he has applied in his assessment. It is presumed that a **moderate** adverse visual effects rating corresponds to a 'more than minor' adverse effects rating.
- 10.7** As explained previously, for the purposes of my assessment, I have used the effects rating scale attached as **Appendix A** to this statement of evidence.
- 10.8** It would appear that the 'legally private' nature of this portion of the trail may have influenced Mr Skelton's analysis, although in fairness this is not entirely clear.³² I do, however, note that Mr Brown describes the section of the Queenstown Trail in the vicinity of the AZSP area as an 'unformed legal road'.³³
- 10.9** Regardless of its legal status, the Queenstown Trail comprises a (cultural) landscape feature that displays very high associative (landscape) values, including: shared and recognised values, recreational values and scenic values. In my opinion, this makes the Queenstown Trail highly sensitive to landscape change of the type anticipated by the AZSP.
- 10.10** Whilst I accept that urban type development flanks parts of the trail (e.g. Millbrook, along the Kawerau River in the vicinity of Lake Hayes Estate, Shotover Country and Frankton, and around the fringes of Arrowtown), by far the dominant context is rural residential, rural lifestyle (hobby farming), rural and riverscape environments. I consider that the relatively limited extent of urban development experienced along the route is a key factor in the appeal of the trail.

32 Ibid: paragraph 36

33 2388 Waterfall Park Developments: J Brown EIC: paragraph 2.4

- 10.11** Whilst the AZSP provisions provide for a vegetative buffer along the western boundary to 'partially screen' views of built development from the trail,³⁴ I consider that the elevated nature of the part of the trail coinciding with Christine's Hill relative to the (low lying) proposed urban development will inevitably diminish the effectiveness of such screening.
- 10.12** Overall, I consider that the AZSP will generate adverse landscape and visual effects in relation to this elevated section of the Queenstown Trail that rate as **high**.
- 10.13** For completeness, I do not consider the PDP Stage 2 Precinct will generate more than minor adverse effects for this viewing audience, given the sympathetic rural residential character anticipated by the Precinct provisions and the 'fit' of such a development outcome with well-integrated rural residential development along the course of the trail (including at the northern end of Lake Hayes).
- 10.14** In relation to the existing rural residential properties along the south boundary of the structure plan area, despite the spatial setback of AZSP buildings from this boundary (ranging from 25m to 100m), I expect that an urban patterning of two-storey buildings (8m height control), roughly at grade with the neighbouring dwellings, will inevitably detract from the visual amenity enjoyed from those properties.
- 10.15** In my opinion, adverse visual amenity effects in relation to these audiences are likely to range from **moderate** to **high** with the lower rating applying to properties adjacent the Tree Protection Area and the 100m width setback. However, I acknowledge that in time, intervening plantings in the setback area may mitigate adverse visual effects to an acceptable level.
- 10.16** With respect to effects for the same audience associated with the PDP Stage 2 Precinct, I consider the proposed development character comprises a considerably more sympathetic development outcome that complements the existing patterning at the northern end

34 Ibid: Annexure A 47.3.6

of Lake Hayes, although acknowledge that for many it will be perceived as an adverse visual amenity effect.

- 10.17** I consider that the extent and scale of mitigation planting required to assist the successful integration of Precinct development is likely to be considerably less than that required for the urban AZSP, suggesting a better fit within a reasonably spacious, leafy rural residential such as that evident at the northern end of Lake Hayes.
- 10.18** I agree with Mr Skelton that the adverse visual effects of the AZSP in relation to the views from public roads in the area would be **low**.

Defensible Edges

- 10.19** Turning to the issue of defensible edges, the amended AZSP proposes a 15m setback along the western boundary, comprising an Open Space/Building Restriction Area in which a planting buffer is anticipated to partially screen views of built development. Mr Skelton also cites the building restriction area on the neighbouring land in support of this defensible edge.³⁵ It is my understanding that some covenants can be changed over time, potentially raising doubt with respect to the certainty of this aspect of the AZSP defensible edge.
- 10.20** I consider that within the context of a generally flat landscape adjacent existing rural residential development, and within a wider landscape setting where there is high development pressure, this arrangement will not achieve a legible defensible edge for the intensive urban development anticipated by the AZSP area (up to 200 residential units).
- 10.21** For these reasons, I remain concerned that the AZSP suggests a high risk of urban development creep westwards, throughout the neighbouring, undeveloped and flat pastoral area of LCU 8. In my opinion, such an outcome would represent a significant adverse landscape and visual amenity effect.

35 2388 Waterfall Park Developments: S Skelton EiC: paragraph 39.

10.22 With respect to the western Precinct boundary, having revisited the area, I agree with Mr Skelton³⁶ (and Ms Hadley) that the alignment along an ephemeral tributary does not comprise a defensible edge. For this reason, I recommend that the western edge of the Precinct should be realigned to coincide with the east side of the Queenstown Trail, with a 75m Trail Setback introduced along this edge of the Precinct that requires all buildings to be set back a minimum of 75m from the Trail boundary.

10.23 **Figure 11** and **Figure 12** below illustrate my suggested mapping amendment in this regard.

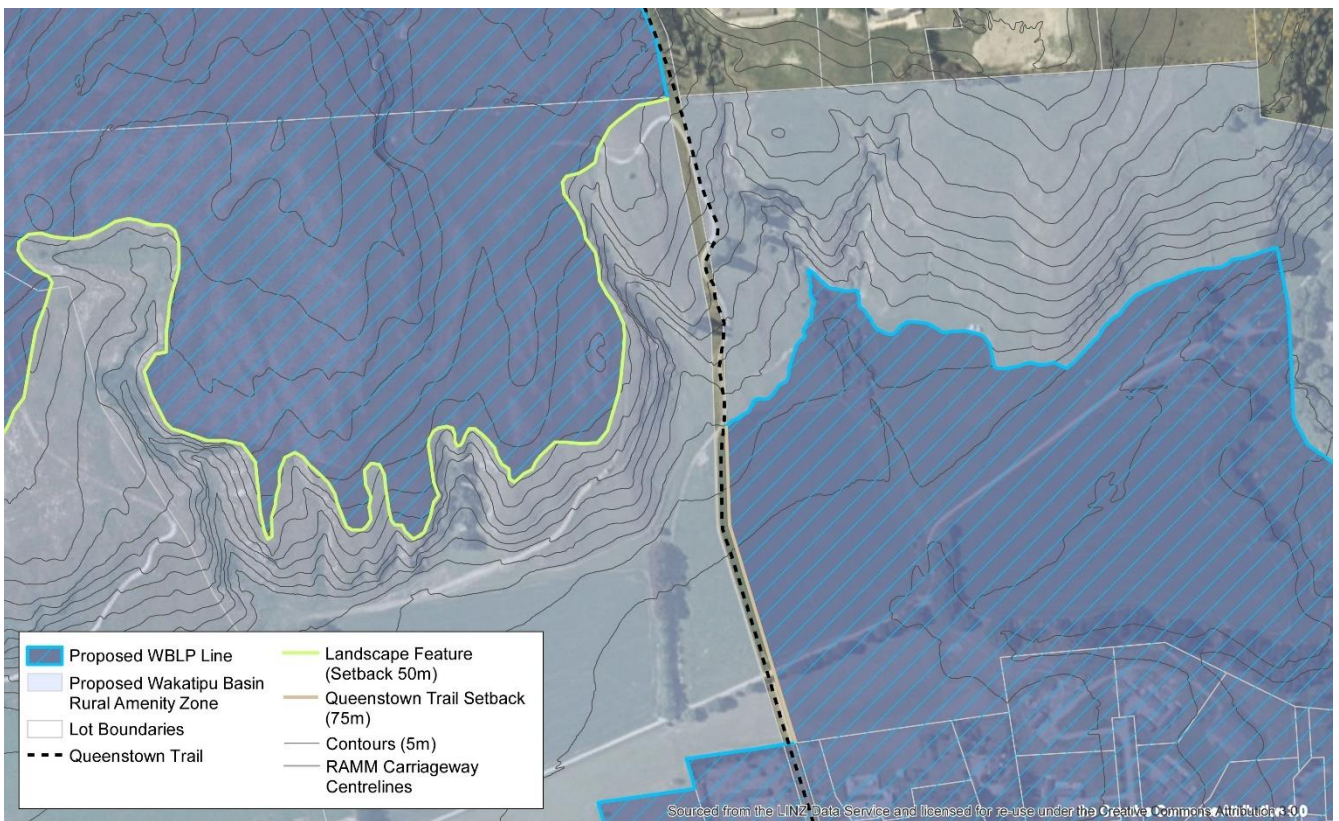


Figure 11: Proposed mapping amendment (including Queenstown Trail Setback). This mapping incorporates the Precinct mapping amendment recommended in section 32 of my EIC.

36 Ibid.

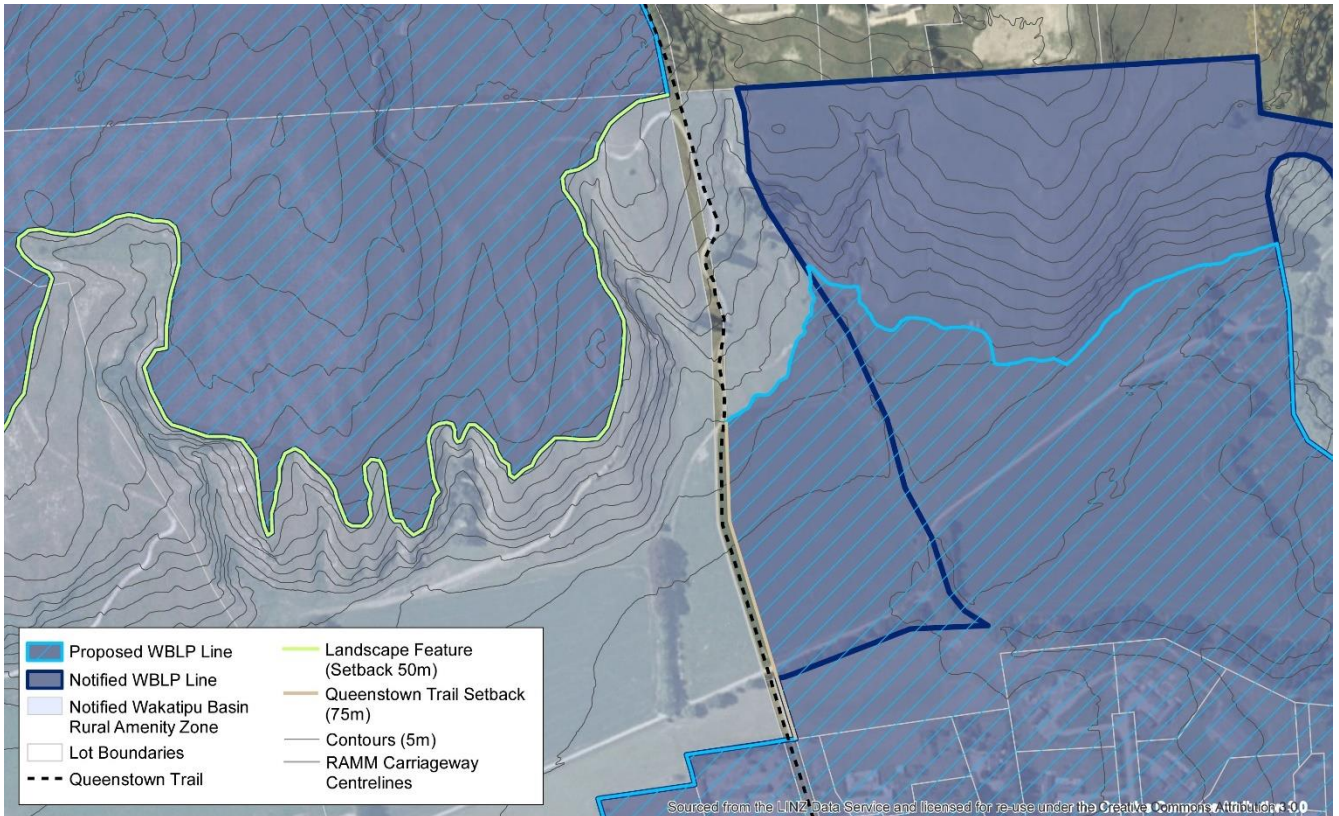


Figure 12: Proposed mapping amendment (including Queenstown Trail Setback) with notified Stage 2 PDP mapping shown.

10.24 In my opinion, the Queenstown Trail Setback rule, together with the Precinct assessment criteria that require the consideration of the effects of development on visual amenity from public places and the effects of development on views to ONFs and ONLs from public places, will ensure that such development does not detract from the landscape and visual amenity values associated with the Queenstown Trail. I also consider that the combination of these devices (i.e. the legally protected Trail and 75m Trail Setback) will comprise a legible defensible edge for rural residential development of the scale and character anticipated by the Precinct.

10.25 In considering an appropriate Trail Setback dimension, I have had regard to existing sections of the trail that pass through recently established rural residential areas (such as at the Hawthorn Triangle) and consider a setback of this scale to be appropriate.

10.26 Further, the consistency of the Trail Setback dimension to that proposed for the (Precinct) Road Setback rule is not accidental. In my

opinion, the value of the 'view from the Queenstown Trail' in shaping the perception of the landscape character is as important as the 'view from the road'.

- 10.27** In recommending this change, I have also considered whether there might be other portions of the Queenstown Trail affected by Precinct 'upzoning' that may merit the imposition of such a control.
- 10.28** The only other locations relate to a very short stretch of the Trail coinciding LCU 7 Domain Road River Terrace where the route scales the steep Shotover River banks, and a 'shared road' section of the Trail along Arrow Junction Road (LCU 21 Arrow Junction Rural Residential). In each of these locations, there is the potential for additional rural residential development 'over and above' the existing level evident.
- 10.29** In the case of LCU 7, the extremely short length of the Trail abutting Precinct land (approximately 100m) means that a setback is not required. In the case of LCU 21, the shared road character of this stretch of the route, edged by well-established roadside vegetation, and/or mounding and (covenanted) proposed plantings (as part of previously consented developments) makes it considerably less sensitive to change, thereby negating the need for a Trail Setback control.
- 10.30** I also do not consider the Queenstown Trail 75m setback is required for any new routes within the Precinct. The public nature of any new trails, means that there is a requirement for the consideration of the effects of new development on them via the Precinct restricted discretionary assessment criteria.

Contextual Fit

- 10.31** Mr Skelton argues a contextual fit for the AZSP in the nearby urban type developments at Millbrook and WPZ. My evidence in chief explains at paragraphs 32.6 and 32.10 why I do not agree that Millbrook assists in this regard.

10.32 While I do acknowledge the proximity of WPZ to the structure plan area in my evidence in chief,³⁷ I consider that Mr Skelton has misinterpreted this as an acknowledgement of the WPZ as a providing a contextual fit for AZSP. Rather my evidence in chief goes on to explain that I consider that *“the location, nature and extent of the WPZ has been very carefully considered to ensure that it does not influence the character of the wider Basin”*.³⁸

10.33 I am of the view that this includes avoiding an influence on the character of the AZSP area and thus disagree that the WPZ provides a contextual fit for the proposed AZSP.

Sense of Place

10.34 In my opinion, Mr Skelton’s evidence provides very little analysis with respect to landscape character effects, and in particular, effects in relation to the identity and ‘sense of place’ associated with the local area in which the proposed AZSP is located.

10.35 I expect that the AZSP area will be publicly accessible and will be experienced as a distinctly urban landscape that forms a jarring contrast with the leafy, spacious and relatively low-key rural residential that dominates the northern end of Lake Hayes, and the nearby, more open and spacious rural area to the west.

10.36 As explained above, to date the urban and urban parkland type development in this portion of the Basin has been very carefully contained such that it does not influence the wider landscape character (including the AZSP area). For the reasons set out above (in relation to defensible edges, visibility and contextual fit), I am not convinced that such containment will be achieved with the proposed AZSP. I expect that were the structure plan to proceed, it would significantly detract from the landscape character associated with this portion of the Basin.

37 My EIC: paragraph 32.5.

38 My EIC paragraph 32.11.

10.37 For these reasons, I oppose the amended Ayrburn Structure Plan as outlined in the evidence of Messrs Skelton and Brown.

Amended Precinct

10.38 As a second preference, Mr Skelton supports an amended Precinct that provides for rural residential development throughout the submission area at a density of 4,000m².

10.39 For the reasons set out at Section 41 of my evidence in chief, I do not consider that the established leafy and relatively spacious rural residential development at the northern end of Lakes Hayes is dominated by 4,000m² lots in the manner claimed by Mr Skelton.

10.40 I note that the density of development enabled by the ODP zoning is 8,000m². My analysis in relation to LCU 12 rezoning requests determined that many landowners have not elected to 'develop' to that density.³⁹ In particular, see my EiC paragraph 41.9 with respect to a discussion of existing lot sizes in the 'heart' of the existing rural residential area at the northern end of Lake Hayes.

10.41 I also note Section 5 of Ms Mellsop's rebuttal evidence where she advises that the current average density within the ODP North Lake Hayes Rural Residential zone is 1.48ha.

10.42 For the reasons set out in my evidence in chief at Section 41 (in relation to LCU 12 rezoning requests) and Section 63, where I discuss the case study work that informed the Stage 2 PDP Precinct minimum and average lot sizes, together with Ms Mellsop's rebuttal evidence on this matter, I do not support a 4,000m² 'amended Precinct' on the submitter's land.

LCU Descriptions

10.43 Mr Skelton recommends that the Schedule 24.8 LCU Mapping and Descriptions are amended to reflect the level of development he supports on the submitter's land.

³⁹ In particular, see my EiC paragraph 41.9.

10.44 I consider this to be technically incorrect. The Schedule 24.8 LCU Mapping and Descriptions reflect the existing landscape character and have been developed to inform where additional development might be appropriate in the Basin, rather than the landscape character that may be preferred by parties, or indeed, may result once the Wakatipu Basin provisions are settled.

11. R HADLEY (2772)

11.1 Ms Rebecca Hadley has filed evidence in relation to a number of submissions that relate to land within LCU 8 primarily, and also land that falls within LCU 22.

11.2 Ms Hadley states that she is a landscape architect with nearly 25 years' experience; however, does not confirm that her evidence has been prepared in accordance with the Environment Court Code of Conduct.

11.3 I am not sure whether Ms Hadley's evidence is filed as an expert or as a 'lay' witness, but I acknowledge she has considerable experience in landscape matters.

11.4 Ms Hadley's evidence is primarily focussed on the existing open pastoral land on the north side of Speargrass Flat Road and Hogans Gully Road, straddling Arrowtown Lake Hayes Road. Ms Hadley considers this area to read as distinctly rural and therefore unsuited to absorbing the Precinct (or the AZSP).⁴⁰

11.5 It is Ms Hadley's submission that the high visibility of the area from the neighbouring road network and the Queenstown Trail, together with its current working rural character and the role the area plays as one of the green and rural corridors in the Basin merit Amenity zoning.

11.6 In support of this contention, Ms Hadley has attached a diagram that illustrates the patterning of development nodes and more rural

40 For example see 2772 R Hadley: EIC paragraphs 13 and 16.

corridors throughout the Basin, arguing that a Precinct in this area will disrupt this patterning.⁴¹

- 11.7** It is inferred that Ms Hadley is of the view that additional development in the Basin should be directed to ODP rural living zoned areas⁴² and LCU 22 The Hills.⁴³ I address the merits of the Precinct in those other parts of the Basin at Sections 36 (LCU 11 Slope Hill Foothills) and Section 43 (LCU 13 Lake Hayes Slopes) of my evidence in chief and my second statement of supplementary evidence (LCU 22 The Hills: Trojan Helmet submission).
- 11.8** Ms Hadley is also critical of the poor defensibility of the western edge of the PDP Stage 2 Precinct in this part of the Basin⁴⁴ and considers that my assessment has failed to consider the effects of the Precinct on the Queenstown Trail.⁴⁵
- 11.9** I accept that the Stage 2 PDP Precinct mapping in this area does not align with a defensible edge. Section 10 above addresses this issue (noting that I recommend that the western boundary of the Precinct is modified with a 75m Queenstown Trail Setback rule introduced to achieve a defensible edge).
- 11.10** I do not agree that my assessment has not considered the effects of the Precinct in relation to the Queenstown Trail. Recreation features were one of the factors considered in the WB Study worksheets that informed Schedule 24.8. It was found there are several portions of the trail that currently pass through rural residential portions of the Basin that do not detract from the recreational and visual amenity enjoyed on the trail.
- 11.11** In my opinion, 'new' sympathetically designed rural residential development can sit comfortably alongside the trail much like the existing development. Further, the Precinct subdivision assessment criteria require the consideration of the effects of new rural residential development on the visual amenity of public places (including views

41 Ibid: paragraph 13.
42 Ibid: paragraph 12.
43 Ibid: paragraph 23.
44 Ibid: paragraph 21.
45 Ibid: paragraph 9.

to the surrounding ONL and ONF context), which I take to include the Queenstown Trail.

- 11.12** Fundamental to our disagreement with respect to the ‘upzoning’ of this area (as Precinct) is our evaluation of the absorption capability of the area. In my opinion, the consented development on the south eastern side of the Hogans Gully - Arrowtown Lake Hayes Road intersection (corresponding to the Lake Hayes Limited land (2377)), together with the relatively contained landform pattern and small scale of the area are such that I consider the immediate area to display a rural living character.
- 11.13** Further, it is my view that the absence of a defensible edge along the northern side of the existing development on the north side of Speargrass Flat, in conjunction with the very close proximity of a legible and robust defensible edge (in the form of the hills slopes that separate the area from Millbrook), means that the area is likely to be highly vulnerable to development pressure. In this regard, I note that there have been at least three SHA applications for the land to date and the AZSP seeks to establish urban development in this location. Put simply, I expect that it is simply a matter of time before some form of development is consented in this area.
- 11.14** The proposed Precinct configuration (subject to the western boundary amendments outlined above in Section 10) seeks to address this existing spatial planning shortcoming.
- 11.15** It should also be noted that the level of existing development in an area, or conversely, the working rural character of an area were two of a range of other factors that came into play in considering the parts of the Basin that are considered to be appropriate for absorbing additional rural residential development. For example: visibility and prominence led to some existing rural residential areas being excluded from the Precinct (e.g. LCU 13 Lake Hayes Slopes); and the absence of a defensible edge led to areas with some established rural living properties being excluded from the Precinct (e.g. low lying land on the east side of Lower Shotover Road).

11.16 For the open land to the north of the established enclave at the northern end of Lake Hayes I consider that the established character (including the consented development on the Lake Hayes Limited land) in combination with the relatively contained and discrete nature of the area, and close proximity of a strong defensible edge (which is currently lacking) point towards a location that is suited to absorbing additional (sympathetic) rural residential development.

11.17 I also consider that the proposed 75m Road Setback will go some way in maintaining the perception of this portion of the Basin as a 'breathing space' in journeys along Arrowtown Lake Hayes Road. In my opinion, the very dense planted character of the established rural residential development on the western side of Arrowtown Lake Hayes Road, together with the almost continuous enclosed character of the road corridor further to the south (by houses and /or garden and boundary plantings) and enclosed character of the road to the north of the submission area will serve to heighten the impression of spaciousness associated with the 75m Road Setback.

LCU 11 SLOPEHILL FOOTHILLS (Low)

12. STEPHEN SKELTON FOR WAKATIPU EQUITIES LIMITED (2479) & SLOPEHILL PROPERTIES (2584)

12.1 Mr Stephen Skelton has prepared landscape evidence on behalf of Wakatipu Equities Limited (WEL) and Slopehill Properties Limited (SPL) in relation to their landholdings that coincide with LCU 11. Mr Ben Farrell has prepared planning evidence for the same submitters.

12.2 Mr Skelton's evidence includes a landscape description in which he identifies 'four distinct parts' within LCU 11.⁴⁶ However, with the exception of the western edge (where he considers the LCU boundary should be modified as described in Section 8 in relation to LCU 9), he considers that the balance of the area is part of the same landscape character unit.⁴⁷

46 2584 Wakatipu Equities and 2479 Slopehill Properties: S Skelton EIC: paragraph 26.

47 Ibid: paragraph 27

- 12.3** Mr Skelton recommends that a restricted discretionary 4ha minimum lot size Precinct regime is applied to the WEL and SPL land that coincides with LCU 11, as (in his view) this reflects the existing rural residential density associated with Elysium Way and the northern side of Slope Hill Road.⁴⁸
- 12.4** Mr Skelton considers the Plan should encourage additional rural residential in exchange for ecological enhancement and such an approach would be appropriate throughout the balance of the unit (including the WEL and SPL land), subject to the management of two identified viewshafts along Slope Hill Road.⁴⁹ Appendix A to Mr Skelton's evidence sets out a revised set of provisions that (in his view) provide for such 'incentivised subdivision' and also promote environmental restoration more generally.

4ha Precinct Strategy

- 12.5** I note that despite accepting a consistency of landscape character across a much wider landscape area, Mr Skelton's 4ha Precinct recommendations are confined to the WEL and SPL land only.
- 12.6** Mr Skelton provides no evaluation of the landscape and visual effects of such a regime on the WEL land, other than to comment that the 4ha lot size in nearby areas has "maintained a relatively consistent rural character across the landscape", concluding that such a density and patterning is appropriate for the WEL and SPL land.⁵⁰
- 12.7** I consider that there is a variable degree of visibility across the WEL land ranging from exposed ridgelines to gullies and a similarly variable patterning in terms of slope profiles. Generally, vegetation patterning is limited to gullies and lake edges with the odd shelterbelt along fencelines. Within a landscape of this nature, I expect that rural residential development would focus on the easier, open and exposed ridgelines within the property which optimise amenity and minimise earthworks.

48 Ibid: paragraph 28

49 Ibid: paragraph 34.

50 Ibid: paragraph 28.

12.8 Whilst I accept that both the WEL and SPL properties are currently relatively well screened from Slope Hill Road and the Queenstown Trail, I note that the screening effect with respect to the WEL land relies on vegetation on neighbouring properties that is outside the control of WEL. Mr Farrell's evidence⁵¹ on behalf of WEL and SPL recommends that the exotic vegetation rules are deleted, which would enable the removal of this screen vegetation as a permitted activity, thereby potentially exposing the WEL land in views from Slope Hill Road and the Queenstown Trail.

12.9 **Photograph 2** below demonstrates the visibility of the main ridgeline running roughly through the centre of the WEL site (on a broadly northeast to southwest alignment) that is visible from the roads and dwellings in the (elevated) Threepwood development to the south east of LCU 11.

12.10 I consider that this view to the northwest of Threepwood, which captures the character of the rolling slopes in the northern portion of LCU 11, together with **Photograph 3** which captures a more zoomed in view of the rolling slopes in the northern portion of LCU 11, convey the highly variable degree of exposure and containment typical of much of LCU 11. (For completeness, I consider the visibility of this elevated portion of LCU 11 to be quite different to LCU 6 Wharehuanui Hills, which comprises a consistently undulating elevated plateau that has extremely limited visibility from the surrounding Basin rural living areas.)



Photograph 2: Typical character of the view northwards from Threepwood to the WEL land.

51 2584 Wakatipu Equities and 2479 Slopehill Properties: Farrell EIC: paragraph 118 (a)



Photograph 3: Typical character of the (more zoomed in) view from Threepwood to the northern hill system within LCU 11

- 12.11** In determining the appropriateness of areas within the Basin for rural residential development, it is, in my opinion, necessary to consider the visual outcome from a range of viewpoints as we experience landscape as a sequence, rather than as a series of individual and unconnected viewpoints.
- 12.12** In my opinion, the potential prominence of rural residential development on the WEL land (from the Threepwood area) together with the existing visibility of established rural residential development along Slope Hill Road, the Queenstown Trail and Threepwood itself (as acknowledged by Mr Skelton⁵²) runs the risk of tipping the balance such that the overall landscape character unit reads as dominated by rural residential development, thereby undermining its role as a buffer between the intensive rural living development at Hawthorn Triangle and the northern end of Lake Hayes.
- 12.13** Within the context of an Amenity Landscape where such a patterning is considered to be of importance in the management of adverse cumulative effects, I consider such a risk to be inappropriate.
- 12.14** For these reasons, I also disagree with the amendments to the provisions recommended by Mr Farrell, including (unspecified) amendments to the Schedule 24.8 LCU 11 Description.

52 Submissions 2584 and 2479: Skelton EIC: paragraph 26 (c) and (d)

Incentivised Subdivision

- 12.15** I agree with Mr Skelton that rural residential subdivision provides a valuable opportunity to realise environmental protection, restoration and enhancement.
- 12.16** Mr Skelton would appear to advance the appropriateness and merit of incentivising rural residential subdivision via environmental protection and enhancement; however, no specific detail is provided in his recommended provisions (or Mr Farrell's evidence) as to how this might be achieved, other than to adopt the provisions recommended in the Wakatipu Reforestation Trust submission (2293) (**WRT**).
- 12.17** In my experience, an 'incentivised subdivision' strategy is typically accompanied by the following:
- (a) detailed identification of the sorts of environmental features that are worthy of protecting and/or enhancing;
 - (b) identification of evaluation criteria for features to assist a determination as to whether they qualify to be of sufficient 'value' to trigger an entitlement for additional subdivision;
 - (c) standards with respect to the scale (area) of a feature that is required to trigger an entitlement for additional subdivision; and,
 - (d) within the context of an Amenity Landscape setting where the risk of adverse cumulative adverse effects is high, an estimate of the quantum and approximate location of additional rural residential development enabled by such a strategy.
- 12.18** I have read Mr Barr's evidence in chief in relation to the WRT submission and confirm that I agree with his analysis and recommendations in this regard.

12.19 For these reasons, I oppose the amended relief sought by WEL and SPL as outlined in the evidence of Messrs Skelton and Farrell.

13. STEPHEN SKELTON FOR BURGESS DUKE TRUST (2591) & ASHFORD TRUST (2535)

13.1 Mr Stephen Skelton has provided landscape evidence in support of the Burgess Duke Trust and the Ashford Trust submissions, which request that their land within LCU 11 is rezoned from Amenity Zone to Precinct.

13.2 Mr Skelton supports the Precinct being applied to the land on the east side of Lower Shotover Road, including the lower-lying relatively flat land adjacent the road and the lower slopes of the east-facing ridgeline extending to the north of Slope Hill.⁵³ The extent of the Precinct supported by Mr Skelton roughly corresponds to the extent of the Stage 1 PDP Rural Lifestyle zoning, excepting three properties at the south eastern end adjoining the Slope Hill ONF.

13.3 Mr Skelton's evidence is accompanied by mapping, 3D landform modelling of the area and a series of photographs of the submission area.

13.4 Mr Skelton is critical of the following aspects of my evaluation in relation to this part of the Basin:

- (a) my identification of the land on the east side of Lower Shotover Road to sit within LCU 11 rather than LCU 9;⁵⁴ and
- (b) my assertion that the close proximity of the area to the Slope Hill ONF, in combination with its elevation, means that it reads as an important part of the ONF's context in views from the wider basin, making it highly sensitive to visual change.⁵⁵

⁵³ 2591 Burgess Duke Trust and 2535 Ashford Trust: S Skelton EiC: paragraph 36 (a).

⁵⁴ Ibid: paragraph 21.

⁵⁵ Ibid: paragraph 30.

- 13.5** Mr Skelton considers that his amended Precinct mapping follows a geomorphological boundary and therefore comprises a legible, defensible edge.⁵⁶
- 13.6** Mr Skelton is also critical of the Precinct zoning on land to the west of the Domain Road and Lower Shotover Road intersection.⁵⁷
- 13.7** My evidence will deal with each of these points in turn.

LCU 11 and LCU 9 Delineation

- 13.8** My discussion of the WEL submission at Section 8 addresses why I do not consider that the land on the eastern side of Lower Shotover Road should be included in LCU 9 Hawthorn Triangle.
- 13.9** Addressing the more specific analysis provided by Mr Skelton as to why he disagrees with my landscape character unit delineation in relation to the land on the eastern side of Lower Shotover Road (his paragraph 16), I do not agree that the geological similarity of the 'Triangle' to the land east of Lower Shotover Road is particularly determinative of the landscape character unit within this part of the Basin, given the very high level of modification that has occurred within the 'Triangle'.
- 13.10** Referencing the *WB Study Appendix I Folio of Figures Sheet 3: Geology*, I note that the geological patterning throughout the Basin comprises broad swathes of each geological type (as would be expected). However, within many of the 'swathes', where relatively intensive settlement has occurred, a far finer grained landscape character has emerged (for example at the northern end of Lake Hayes, around Arrow Junction and, in my opinion, within Hawthorn Triangle). It is also my understanding that the LINZ data from which Mr Skelton's Attachment F Geology mapping is sourced is very coarse grained, having being prepared at a scale of at least 1:50,000 and should therefore be treated with caution and certainly does not

56 Ibid: paragraph 35.

57 Ibid: paragraph 32.

represent the level of accuracy that I consider should inform the Precinct mapping.

- 13.11** Mr Skelton is of the view that a legible and defensible geomorphological boundary exists along the eastern side of the Lower Shotover Road corresponding to the eastern edge of his proposed Precinct mapping and references his Attachment G 3D landform modelling in support of this claim.
- 13.12** I struggle to see such a distinction in the 3D landform modelling provided by Mr Skelton. In considering this point I have also reviewed the Slope, Aspect and Elevation mapping contained in the *WB Study Appendix I Folio of Figures Sheets 8, 9 and 10* ('on screen' to enable zooming in) and confirm that this mapping does not support the identification of a defensible geomorphological boundary in the manner purported by Mr Skelton.
- 13.13** On this issue of defensible edges, Mr Skelton considers that my criticism of (what I consider to be) a reliance on the patterning of rural development to inform the extent of the Precinct on the eastern side of Lower Shotover Road (as sought in submissions) is inconsistent with the approach I have applied elsewhere in the Basin. The example Mr Skelton has cited is a misrepresentation from my evidence in chief: paragraph 27.9, where he asserts that I rely on "*a marked change in land use patterning.... in tandem with a hedge*" in support the northern boundary of LCU 9.⁵⁸
- 13.14** Rather it was my evidence that "*mature protected vegetation, roads, and a marked change in land use patterning*" supported the LCU delineation in that instance.
- 13.15** Mr Skelton argues the hawthorn hedge along the eastern side of Lower Shotover Road in support of his LCU 9 (and consequential Precinct) amendment. Unlike the vegetation on the 'Triangle' side of Lower Shotover Road, I am not aware of any vegetation being afforded protection and expect that it could be removed as of right by virtue of its exotic nature and stature and therefore does not, in my

58 Submissions 2591 and 2535: Skelton EIC: paragraph 33.

view, comprise an enduring landscape element, making it of limited importance in guiding the extent of a landscape character unit. (In this regard, I note that Mr Farrell does not support the proposed exotic vegetation rules in his evidence for other landowners in the Basin and presume that his opinion remains consistent in relation to this submission).

- 13.16** Mr Skelton also finds that the density of rural residential development on the west side of the Lower Shotover Road (i.e. within the Triangle) is marginally higher than on the east side. [My emphasis added.]
- 13.17** I find this rather baffling. As *WB Study Appendix I Folio of Figures Sheets 41 and 42* demonstrate, LCU 9 Hawthorn Triangle displays an almost continuous patterning of relatively small-scale rural residential lot sizes, in marked contrast to the considerably more generous rural residential and rural lifestyle (or hobby farming) scale lots evident on the eastern side of Lower Shotover Road.
- 13.18** Further, Mr Skelton considers that the lower-lying land to the east of Lower Shotover Road (corresponding the extent of his amended Precinct) has a very limited visual connection with the more elevated plateau that characterises the Slope Hill Foothills.
- 13.19** Within the context of undulating foothills landscape unit, I consider that there will inevitably be a variance in the visual connections across the landscape; however, I do not consider this aspect to be especially determinative in this instance. Were Mr Skelton correct that the lower-lying land and west-facing hillside along the western edge of (my) LCU 11 should be excluded from LCU 11, I expect that the low-lying valley to the east of LCU 11 (i.e. the eastern section of Slope Hill Road) should also be excluded. In my opinion, adopting such an approach would likely result in a somewhat unwieldy and overly complex landscape character delineation strategy that is likely to distract from the legibility of larger landscape patterns, which I consider should guide a landscape planning exercise of the scale undertaken in the Basin.

13.20 For these reasons, I do not consider it appropriate to amend the extent of LCU 9 in the manner recommended by Mr Skelton and nor do I consider it necessary to amend the Schedule 24.8 LCU 9 and LCU 11 Descriptions.

High sensitivity of the area to visual change and defensible edge

13.21 I acknowledge that the lower-lying nature of much of the land encompassed by Mr Skelton's amended Precinct, together with the exclusion of the hill slopes at the very southern end of Lower Shotover Road, means that rural residential development throughout much of the modified Precinct is unlikely to be of importance in views from the surrounding landscape to Slope Hill ONF.

13.22 In this regard, Mr Skelton's photographs demonstrate that in a number of views from the adjacent road network, his amended Precinct area is indeed obscured from view by intervening vegetation. In relation to views from Lower Shotover Road in particular, I note that an appreciable proportion of that vegetation lies within the amended Precinct area, giving confidence that it could remain (noting Mr Farrell's opposition to the exotic vegetation rules in other statements of his evidence).

13.23 However, I consider that this is not the case at the southern end of Mr Skelton's amended Precinct where elevated land abuts the Slope Hill ONF.

13.24 In relation to views from Tucker Beach/Quail Rise environs, I consider that Mr Skelton's assessment has been somewhat selective. Photograph 6 of my evidence in chief demonstrates the character of a far more open view from the Tucker Beach area to that conveyed in Mr Skelton's Image 4, where intervening vegetation serves to obscure views of his amended Precinct area.

13.25 It is my impression that many of the dwellings within Quail Rise and Tucker Beach are oriented to enjoy the highly attractive northern and northeastern views out over the Basin, which take in the elevated land towards the south end of Mr Skelton's amended Precinct. I would

also expect that many residential properties will have been built to optimise the outlook in a manner that means the level of intervening vegetation is likely to be considerably less than that illustrated in Mr Skelton's Image 4.

13.26 In such views it is my expectation that the elevated land towards the south end of Mr Skelton's amended Precinct area reads as part of the relatively spacious and undeveloped green 'flank' to Slope Hill and serves as a buffer to the more dense and complex patterning associated with Hawthorn Triangle. In my opinion, rural residential development creeping up this side of Slope Hill has the potential to detract from the legibility, visual integrity and scenic qualities of the ONF as enjoyed by this catchment.

13.27 However, regarding potential adverse effects on views to the Slope Hill ONF (and adverse visual effects more generally), my concerns with respect to the poor defensibility of the eastern side of Mr Skelton's Precinct are of primary concern.

13.28 In my opinion, the extent of Mr Skelton's Precinct would be highly vulnerable to development creep up the hillside. I consider that such an outcome would generate significant adverse landscape and visual effects in relation to the Slope Hill ONF. I also consider that where there is a legible and defensible edge available (such as is the case with the PDP Stage 2 Precinct configuration, coinciding with the LCU 9 boundary), it should be preferred over the arbitrary method recommended by Mr Skelton.

13.29 At paragraph 36.12 of my evidence in chief, I discuss whether there is a legible and defensible edge along the eastern side of Lower Shotover Road.

Domain Road

13.30 Mr Skelton recommends that the portion of LCU 7 Domain Road on the western side of the Lower Shotover – Domain Road intersection is rezoned as Amenity Zone as a consequence of the highly attractive and memorable views out over the Shotover River, Ferry Hill and the

surrounding mountain context (all comprising ONLs). It is Mr Skelton's recommendation that this area should be kept free of buildings, vegetation and other elements which may obstruct western views from the road out over the Basin landscape.

13.31 I agree that this outlook is indeed memorable. I also consider that the Wakatipu Basin is richly endowed with similarly breath-taking views and with this in mind, the Precinct provisions have been specifically drafted to ensure careful consideration is given to the maintenance of views from public roads and other places to the surrounding ONL and ONF context.

13.32 I also note that no request for this change has been made in the submission.

13.33 For the reasons outlined above, I oppose the amended relief sought by the submitters and as outlined in the evidence of Messrs Skelton and Farrell.

LCU 13 LAKE HAYES SLOPES (Low)

14. BENJAMIN ESPIE FOR AJ ROBINS AND HJM CALLAGHAN & OTHERS (2104, 2163, 2281, 2291, 2314, 2315, 2316, 2317, 2318, 2319, 2378, 2389, 2490, 2517)

14.1 Mr Benjamin Espie has prepared landscape evidence in support of the AJ Robins and HJM Callaghan & Ors submission (referred to hereafter in this section as the **submitters**).

14.2 Mr Espie's evidence helpfully updates the spatial arrangement of existing platforms and dwellings, identifying some 12 additional structures 'over and above' those mapped in the WB Study.⁵⁹

14.3 Mr Espie recommends a number of changes to the LCU 13 to recognise the developed character of parts of LCU 13, culminating in a split absorption capability rating whereby the area of land that

⁵⁹ 2104, 2163, 2281, 2291, 2314, 2315, 2316, 2317, 2318, 2319, 2378, 2389, 2490, 2517 Robins, Callaghan and Ors: B Espie EIC: Appendix 1 mapping.

coincides with the developed western face of Morven Hill adjacent SH 6 and the lower margins of the hillside on the eastern side of Arrowtown Lake Hayes Road is rated as **'high'**, with the balance of the LCU rated as **'low'**.⁶⁰

14.4 Mr Espie supports the Precinct at a density of 4,000m² throughout those parts of LCU 13 that he considers have a **'high'** absorption capability rating.⁶¹

14.5 With the exception of a handful of properties along the eastern side of Arrowtown Lake Hayes Road, the extent of the Mr Espie's (new) Precinct roughly corresponds to those portions of the LCU that were zoned Rural Residential or Rural Lifestyle in the legacy plan.

14.6 The extent of Mr Espie's (new) Precinct is shown in **Figure 13** below.

60 Ibid: paragraph 4.3 (vii).

61 Ibid: paragraph 4.3 (vi)

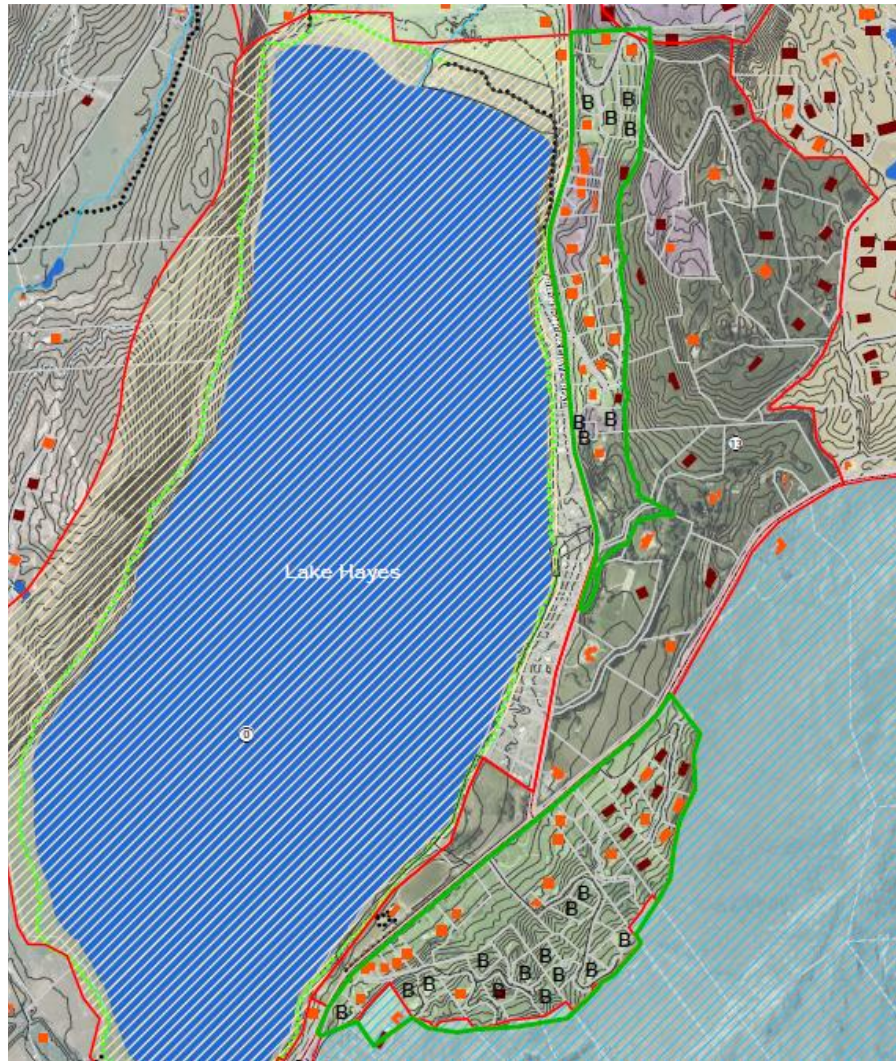


Figure 13: Extent of Mr Espie's 'new' Precinct shown in green outline. (Source B Espie EiC.)

14.7 It is my understanding that Mr Espie's support for his (new) Precinct is predicated on:

- (a) the existing level of rural residential development that suggests a contextual fit for additional development;⁶²
- (b) the benefits to the creation of a defensible arising from the additional development edge (presumably for the portion of the Precinct along the eastern side of Arrowtown Lake Hayes Road, noting my acknowledgement of the geomorphological defensible edge to the Morven Ferry portion in my evidence in chief);⁶³ and

62 Ibid: paragraph 4.3 (i)-(iv).

63 Ibid: paragraph 4.3 (vi) first and second bullet points.

- (c) the long-term outcome of a well vegetated rural residential landscape that contrasts with the surrounding rural setting.⁶⁴

14.8 In my opinion, such an analysis is flawed.

14.9 I do not consider that ‘filling in the gaps’ promotes a defensible edge along the eastern side of Arrowtown Lake Hayes Road. Rather, within the context of a relatively evenly sloping hillside where there are no identifiable defensible edges and the area enjoys highly attractive elevated views out over Lake Hayes and the wider Basin/mountain landscape, I consider that introducing a new Precinct in the manner supported by Mr Espie would significantly increase the risk of development creep. In my opinion (and drawing for the analysis provided in my evidence in chief at Section 43), such an outcome would comprise a significant adverse landscape and visual amenity effect.

14.10 Mr Espie acknowledges that: *“some of the existing development within the LCU appears somewhat unsympathetic.”*

14.11 I struggle to see how Mr Espie considers that a less than favourable landscape outcome (albeit in his opinion, confined to “the upper parts of the Morven Hill zoned area”) supports additional rural residential development.

14.12 In my opinion, and despite the various assessment matters and development standards anticipated by the Precinct, I consider that additional development at this level will exacerbate the adverse landscape effects of existing rural residential development within LCU 13. Unlike some locations, where additional development can assist the mitigation of existing poor development outcomes, the sloping and elevated nature of this unit, together with the extent of existing inappropriate development means that such an outcome is highly improbable.

64 Ibid: paragraph 4.3 (vi) third bullet point.

- 14.13** Mr Espie's evidence provides no assessment of the additional development that will be enabled by his (new) Precinct.
- 14.14** It is my understanding that based on a 'raw lot size' calculation, the Precinct supported by Mr Espie will allow an additional 16 dwellings on the slopes to the east of Arrowtown Lake Hayes Road and an additional 28 dwellings on the slopes to the south east of SH6. **Appendices B and C** illustrate how this additional 'raw' yield has been calculated.⁶⁵
- 14.15** In my opinion, the sloping nature of many of the lots where additional development would be enabled under Mr Espie's regime suggests the potential for adverse landscape effects associated with cutting platforms and accessways and forming retaining structures. On a lot size of 4,000m², the ability to integrate planting and marry in contours to mitigate such effects is reduced.
- 14.16** Further, the sloping topography means that mitigation planting needs to be much taller to achieve a filtering effect (thereby taking longer to deliver an appropriate landscape outcome). More concerning, in my experience, where there are highly attractive panoramic views available, there is an increased risk of planting being modified to retain views in a manner that undermines its intended visual mitigation function.
- 14.17** I also note that Mr Espie's (new) Precinct anticipates an additional platform on elevated sloping land that sits inside Morven Hill ONL (refer **Appendix C**). I consider such an outcome would comprise a significant adverse effect on the ONL.
- 14.18** With respect to the large lot to the southern end of the **Appendix B** mapping, where 8 additional dwellings would be enabled, were the exotic vegetation rules removed in the manner supported by many submitters, this would result in the loss of a sizeable vegetation

⁶⁵ In determining the raw yield calculations, an entitlement to a platform on all of the vacant titles within Mr Espie's (new) Precinct has been assumed (and therefore these do not contribute to the 'additional' yield calculation). It is also acknowledged that 'no build' areas and vegetation covenants may reduce this raw yield calculation; however, I consider that the high level of prominent existing rural residential in each area is likely to mean that the discounting influence of the Precinct assessment criteria to the overall yield determined in the case study work (i.e. approximately 27% refer paragraph 63.17 in my evidence in chief) is likely to be lessened and in some instances, negated altogether.

grouping that makes a significant contribution to the impression of a leafy backdrop to Lake Hayes in views from the western side of the lake. (Refer Photograph 10, on page 107 of my evidence in chief, noting that the vegetation roughly corresponds to the dense patterning of evergreen vegetation on the far banks of the lake in the centre of view).

- 14.19** I am mindful that the issue of precedent is not of relevance in a plan change and the merits of each zoning need to be assessed as to whether they comprise the most appropriate planning outcome. However, I consider that were Council to apply the Precinct to this highly sensitive part of the Basin, it sends a signal that rural residential development is appropriate in such a location. Given the high development pressure in the Basin and the s7(c) landscape context, I consider such a signal would be inappropriate.
- 14.20** For these reasons, and the reasons set out in my evidence in chief at Paragraph 43.6 - 43.11, I oppose the amended relief sought by the submitters and supported by Mr Espie.
- 14.21** In considering this evidence and LCU 13 more generally, I have also had regard to Ms Hadley's submission (discussed in more detail in Section 11) where she expresses concern that identifying the Lake Hayes Slopes as Rural Amenity Zone is misleading, given the level of rural residential development evident.
- 14.22** I accept that the inclusion of 'rural' in the zone title does infer a less rural residential context than that evident at Lake Hayes. However, the zone description does go on to explain that "*the primary focus of the Zone is on protecting, maintaining and enhancing rural landscape and amenity values*". I consider that the application of Lake Hayes Slopes as Amenity Zone derives from a focus on protecting (landscape and visual) amenity values and therefore is appropriate.

15. CHRIS FERGUSON (AND YVONNE PFLUGER'S STAGE 1 EVIDENCE) FOR LAKE HAYES CELLAR (2378)

- 15.1** Mr Chris Ferguson has prepared planning evidence on behalf of Lake Hayes Cellar in which he supports the establishment of a Lake Hayes Cellar Precinct on the Amisfield site.
- 15.2** In support of this relief, Mr Ferguson's evidence draws on the landscape evidence prepared by Ms Yvonne Pfluger for the Stage 1 PDP Stream 02 (Rural) Hearing.
- 15.3** Ms Pfluger's Stage 1 evidence provides a brief description of the site and observes that the site does not display the landscape characteristics generally associated with the Rural Zone due to the existing level of development.⁶⁶ I agree with this statement.
- 15.4** Ms Pfluger's evidence goes on to express support for commercial activities within the site as a controlled activity.
- 15.5** I have reviewed the Lake Hayes Cellar Precinct provisions (**LHCP**) attached to Mr Ferguson's evidence in chief as Appendix 3.
- 15.6** In short the LHCP provides for:
- (a) up to 25% building coverage as a controlled activity with the matters of control (of relevance to my evidence) limited to: the bulk, location and external appearance of the building; signs; and landscaping; and
 - (b) Stage 2 PDP Precinct style subdivision on the property.
- 15.7** It is my understanding that the Lake Hayes Cellar site is approximately 1.6863ha in area,⁶⁷ and 25% building coverage could amount to a building footprint of some 4,000m².

⁶⁶ Stage 1 0608 Darby Planning & Ors: Y Pfluger: paragraph 7.8.

⁶⁷ 2378 Lake Hayes Cellar: C Ferguson EiC: paragraph 144.

- 15.8** Whilst I acknowledge that to date, the built development on the Amisfield site has been of a high quality that is sympathetic to the setting, I note that the existing 'exposed' building footprint is (very approximately) in the order of 400m² (using the QLDC GIS measuring tool) and acknowledging that a sizeable portion of the existing built development is effectively built into the landform.
- 15.9** I note that the site is visible from SH6 to the east (a key scenic route) and the rural residential catchment on throughout the east slope of Morven Hill to the south east, however is relatively well screened in views from Arrowtown Lake Hayes Road and nearby dwellings on Arrowtown Lake Hayes Road.
- 15.10** In my opinion, I do not consider it appropriate to provide for a ten times increase in the extent of built development on the site as a controlled activity. Within the context of s7(c) landscape, and on a site that is visible from a key scenic route and overlooked by several rural residential properties, it is my view that Council needs to have the ability to decline consent for a building of this scale given the potential there is for adverse landscape and visual effects.
- 15.11** Were Council minded to enable the LHCP I consider it would be necessary to require a restricted discretionary consent (as a minimum) with a range of landscape focussed assessment criteria that draw from the Stage 2 PDP Precinct provisions.
- 15.12** I also do not consider it appropriate to provide for the Precinct on this property as this would effectively amount to a spot zoning.
- 15.13** For these reasons I do not support the relief outlined in the evidence of Mr Ferguson (for Stage 2 PDP Hearing Stream 14) and Ms Pfluger (for Stage 1 PDP Hearing Stream 02).

LCU 22 THE HILLS (Moderate)

16. YVONNE PFLUGER FOR TROJAN HELMET (2387)

16.1 Ms Yvonne Pfluger has prepared landscape evidence on behalf of Trojan Helmet in support of the Hills Resort Zone. Other statements of expert evidence prepared on behalf of Trojan Helmet that I have considered are:

- (a) Mr Richard Tyler, addressing the Hills Resort Zone master planning, visibility analysis and photomontages;
- (b) Ms Anna Marie Chin, addressing the Hills Resort Zone Building Design Guidelines; and
- (c) Mr Jeffrey Brown, addressing planning matters.

16.2 Ms Pfluger's and Mr Tyler's evidence provides a thorough description of the site and local area. Collectively the material provides a clear understanding of the location, character and scale of development anticipated by the Hills Resort Zone.

16.3 Having reviewed the evidence and undertaken a site visit on Friday 22 June, I remain concerned about some aspects of the Trojan Helmet rezoning request. My evidence will address specific aspects of the provisions that I consider are likely to generate adverse landscape and visual effects, and then address issues raised in the evidence of Ms Pfluger and Mr Tyler under a discussion of landscape character effects.

Hills Resort Zone Provisions

16.4 I acknowledge that the Hills Resort Zone Structure Plan and Provisions are the outcome of a location specific and landscape led design process. In this respect, much of the proposal is to be applauded.

16.5 However, I am concerned that three aspects of the Structure Plan and Provisions have the potential to generate adverse landscape and

visual effects that are inappropriate within an Amenity Landscape context.

Building activity status

- 16.6** In the Hills Resort Zone new buildings will be managed as a controlled activity with Council's discretion limited to infrastructure provision and access. It is intended that the design, quality and appropriateness of built form within Hills Resort Zone will be administered by the Hills Design Management Board (**Design Board**) and that the Design Board will assess each proposal against the Hills Resort Zone: Design Control Guidelines.
- 16.7** Whilst the design intentions espoused in Mr Tyler's and Ms Chin's evidence speak to a high quality architectural outcome (albeit at this early stage the Design Control Guidelines document are somewhat vague in nature), I consider it appropriate that built development should be assessed as restricted discretionary activity as it is within the context of an Amenity Landscape setting, that is overlooked and visually connected to an ONL context, and will be publicly accessible. Such a regime can give the public confidence that regardless of the management structure associated with the Hills Resort Zone, a quality built environment will be delivered.
- 16.8** I also appreciate that the submitter may well want to maintain some control of the design outcome within the resort to ensure a cohesive and high quality development and that these are laudable aspirations. In this regard I am aware of other similarly styled developments in New Zealand where a 'two tier' type approval process is in place.⁶⁸ In such an arrangement, purchasers are required to undertake an 'internal' (effectively private) design review that is completed prior to lodging a resource consent. It is often the case that the 'internal' design review process secures a relatively straight forward consenting path and therefore is not unnecessarily onerous. Importantly, such a mechanism provides a degree of security, with respect to the development quality and outcome, should management intentions change (for example,

⁶⁸ For example: Omaha South (north Auckland), Okaroro Drive (Whitford), Bream Tail (nr Mangawhai), Tapuae (New Plymouth), Esk Hills (Hawkes Bay), Waikopua (Whitford).

with a change in the ownership of the resort) such that the integrity of the 'internal' design review process is diminished.

Walkway

- 16.9** I note that the provisions do not require the public walkway to be developed until 40 dwellings have been constructed in the resort zone.⁶⁹ I consider that if this is to be cited as a landscape and recreation benefit in favour of the development, it should be implemented at the outset.

Home Sites 4 and 5

- 16.10** Ms Pfluger argues that the Hills Resort Zone is not vulnerable to development creep as a consequence of the very limited visibility of the buildings from the surrounding area.⁷⁰
- 16.11** In considering the issue of defensible edges, I note that one of the key design drivers for Millbrook has been the avoidance of visibility in relation to the Speargrass Flats catchment to the south. It is my expectation that this strategy has played a critical role in limiting the spread of the resort southwards.
- 16.12** Ms Pfluger states that *"HS 4 and HS 5 will be at least partially visible tucked against rising landform from Hogans Gully Road at a distance of around 150-350m."*⁷¹
- 16.13** In my opinion the potential visibility from this catchment of development of the scale anticipated on these Home Sites (3,000m² footprint with an 8m height limit as a controlled activity with Council discretion limitations as outlined above) has the potential to encourage development creep. For these reasons, I consider it necessary to reconfigure HS 4 and HS 5 to ensure that they are not visible from Hogans Gully Road from the outset.

69 2387 Millbrook Country Club: J Brown EIC Attachment B: Rule 44.5.12

70 See for example, 2387 Millbrook Country Club: Y Pfluger EIC: paragraphs 89, 91 and 93.

71 Ibid: paragraph 147.

Landscape Character Effects

- 16.14** My (second) Supplementary Statement (6 June 2018) was critical of Ms Pfluger's assessment contained in the original submission in that I considered it primarily focussed on visual effects, with little consideration given to effects of a 150 unit golf course resort development on the 'sense of place' or identity of the local area.
- 16.15** I consider that Ms Pfluger's evidence suffers from the same difficulties.
- 16.16** Ms Pfluger argues the existing golf course use of the property⁷² together with its limited visibility makes it suited to resort use. She goes on to observe that because it will not be seen alongside Millbrook in external views (excepting long range views in which the two are relatively indiscernible and/or of limited visual importance to the overall quality and character of the outlook), there will be no risk of adverse cumulative effects.⁷³
- 16.17** In my opinion, the Hills Resort Zone will see the introduction of 150 dwellings into a golf course setting. Whilst the golf course and some dwellings and buildings are in existence, it comprises a distinctly private landscape (complete with security gated entries), that is (as described by both Mr Tyler and Ms Pfluger), well screened in many views from the surrounding area. As such, The Hills plays a relatively limited role in shaping the landscape character of the local area.
- 16.18** The establishment of the Hills Resort Zone will see a significant change in the character of the property in that it will become publicly accessible.
- 16.19** Whilst Ms Pfluger has framed my evidence on this point as negative,⁷⁴ my testimony in this regard is intended as a statement of fact. As a consequence of this public accessibility, the property will change from being somewhat of an enigma to forming an accessible and distinctive 'place' that I expect will make a significant contribution to the impression and experience of the north eastern quadrant of the Basin.

⁷² Ibid: see for example: paragraphs 51, 82 and 89.

⁷³ Ibid: see for example: paragraphs 90 and 91.

⁷⁴ Ibid: paragraph 83.

- 16.20** Both Ms Pfluger and Mr Tyler have been careful to explain that the development outcome of the Hills Resort Zone is 'non-urban' terming it 'resort'. Previously I have described the Hills Resort Zone (and Millbrook) as 'an urban parkland type' development character. I agree with Ms Pfluger and Mr Tyler that the current golf course landscape is not typical of a rural landscape, yet it is often the case that golf courses are located in rural areas due to their spatial requirements. However, in my view, labels can take us only so far.
- 16.21** Like Millbrook, the development outcome at the Hills Resort Zone will read as quite different to the nearby urban, rural living, more working rural and more unkempt rural areas. In my opinion, this difference in landscape character will serve to heighten the influence the Hills Resort Zone will have on shaping the character of the local area.
- 16.22** Conversely, the character associated with the Hills Resort Zone will share a similarity to Millbrook (acknowledging that a different architectural aesthetic is envisaged), thereby reinforcing the identity of resort development in this quadrant of the Basin.
- 16.23** I remain concerned that the scale (or extent) and character of the landscape change associated with the Hills Resort Zone will result in a significant alteration in the identity and sense of place throughout the north eastern portion of the Basin, tipping the balance to a landscape that is dominated by urban parkland (or resort) type development.
- 16.24** In making these comments, I acknowledge the open space, trail, and sculpture park benefits of the proposal (subject to my earlier comment with respect to the timing of the trail) and the building design aspirations of the Hills Resort Zone (subject to the reservations expressed earlier).
- 16.25** In my opinion, the landscape character change associated with the Hills Resort Zone request raises a fundamental question as to where and how much resort development is appropriate in the Basin. Clearly this is beyond the scope of landscape evidence.
- 16.26** However, should the Panel be minded to consider it appropriate to enable additional resort land use in the Basin, from a landscape

perspective (and assuming the above concerns in relation to the Structure Plan and provisions are adequately addressed), I consider that the Hills site is a reasonable candidate, given its existing highly modified golf course use, visual containment and variable landform patterning.

- 16.27** I also share Ms Pfluger's view that were the land to the south of Arrowtown urbanised, Hills Resort Zone may form an appropriate transition between the urban development and more rural/rural living land uses.

LCU 23 MILLBROOK (Moderate)

17. ANDREW CRAIG FOR MILLBROOK COUNTRY CLUB SUBMISSIONS (2295 and 2605)

- 17.1** Mr Andrew Craig has prepared landscape evidence on behalf of Millbrook Country Club (**MCC**) and Mr John Edmonds has prepared planning evidence for the same.
- 17.2** Mr Craig's evidence responds to submitters within or adjacent to LCU 23 Millbrook who have sought:
- (a) the inclusion of their land within Millbrook Resort Zone (**MRZ**);
 - (b) the inclusion of their land within the Precinct; or
 - (c) the exclusion of land around the edge of Millbrook from the Precinct.
- 17.3** Mr Craig's evidence provides a thorough description of how the adverse effects of development are appropriately managed within Millbrook via the Structure Plan overlays, the Masterplan, the Neighbourhood Design Plans, the Millbrook Master Property Guide and the Millbrook Design Guidelines, together with the relevant sections of the Queenstown Lakes District Plan.⁷⁵

75 2295 and 2605 Millbrook Country Club: A Craig EiC: paragraphs 21-63.

17.4 Mr Craig concludes that the very high amenity associated with Millbrook derives from a substantial suite of design controls administered by MCC and QLDC.⁷⁶ I agree with this conclusion.

17.5 As a consequence, it is Mr Craig's view that:

“Submitters seeking inclusion within the MRZ would in my opinion, need to fully assess the suitability of development particularly with regard to the location and extent of Residential Activity Areas (RAA) subject to the master planning criteria set out by MCC.

Submitters would also be required to fully embrace existing design instruments in order to guarantee the outcomes envisioned by MCC and the Council for the zone.”⁷⁷

17.6 Mr Craig goes on to recommend that development on any ‘new’ areas of MRZ would need to adhere to what he terms as “the MCC aesthetic”.

17.7 Mr Craig provides a description of the submitters’ land that seek inclusion within the MRZ including an analysis of how they fit with the MCC. He concludes that the following submission areas are suited to inclusion with MRZ, subject to adherence with the existing design instruments (administered by MCC and QLDC) or what he terms as the ‘MCC aesthetic’ and location-specific qualifications as described below:

- (a) The Archibald (2501) and Griffin (2580) land accessed from Middlerigg Lane.⁷⁸
- (b) The Spruce Grove Trust land accessed from Malaghans Road (2513) subject to development being restricted above the topographic level of the consented platforms. Mr Craig explains that it is MCC's preference that the land is open space,⁷⁹ although I note that he provides no professional opinion as to whether this is necessary, other than to confirm

76 Ibid: paragraph 106.

77 Ibid: paragraphs 16 and 17

78 Ibid: paragraph 80.

79 Ibid: paragraph 100.

that development here would need to conform with the existing design instruments.⁸⁰

- (c) The Spruce Grove Trust land and Ors land on the east side of Arrowtown Lake Hayes Road (2512 & 2724, 2444 & 2720, 2413, 2419) (2513, 2723), although he is concerned that the density sought by the submitters (up to 135 additional dwellings) would be out of keeping with the MRZ and is likely to give the impression of suburban creep towards Millbrook.⁸¹

17.8 I agree with Mr Craig that for each of these areas to be successfully integrated into the MRZ (and the wider landscape), they need to be subject to the full suite of MCC and QLDC design instruments that guide the MCC aesthetic.

17.9 I share Mr Craig's concern that the level of density sought for the Spruce Grove Trust land and Ors land on the east side of Arrowtown Lake Hayes Road is inappropriate (for the reasons that he has set out).

17.10 I also note that whilst Mr Craig's evidence references the following submissions, his evidence does not comment on the landscape merits of these submissions in relation to MCC:

- (a) the Waterfall Park Developments submission (seeking the AZSP or an amended Precinct) (2388, 2785);
- (b) the Donaldson submission (supporting the precinct on their land) (2229, 2797);
- (c) the X Ray Trust and Avenue Trust submission (seeking the removal of the Precinct from the elevated part of their property and the adjacent Donaldson block) (2619); and

80 Ibid: paragraph 88.

81 Ibid: paragraphs 102 and 103.

- (d) the Skipp Williamson submission (supporting the Precinct on their land within LCU 6 Wharehuanui Hills, subject to some relatively minor amendments) (2272),

17.11 Overall, I agree with the general thrust of Mr Craig's evidence that for new areas to be incorporated into the MRZ, development in those areas need to reflect the MCC aesthetic.

18. NICOLA SMETHAM FOR SPRUCE GROVE TRUST (2513 AND 2512)

18.1 Ms Nicola Smetham has prepared landscape evidence on behalf of Spruce Grove Trust for their two submission areas: (i) the Malaghans Road site; and (ii) the land on the east side of Arrowtown Lake Hayes Road. Ms Amanda Leith has prepared planning evidence for the same submitter.

18.2 Ms Smetham's evidence provides a thorough analysis of these properties against the factors that assisted the determination of the Basin's landscape character units (in the WB Study),⁸² and concludes that both properties are suited to being included within the Millbrook Resort Zone.⁸³

18.3 At Section 59 of my evidence in chief I confirm my agreement with MRZ being applied to the Arrowtown Lake Hayes Road submission area.

18.4 My (first) Supplementary Statement (dated 1 June) in relation to the Malaghans Road land also confirms my agreement to MRZ being applied to this land, subject to the qualification that development should be confined to the flat land on the south side of the knoll landform (for it to be acceptable from a landscape perspective).

18.5 Appended to Ms Smetham's evidence are structure plan diagrams for each of the Spruce Grove Trust submission areas. To enable a better understanding of how these 'new' MRZ areas relate to the existing MRZ, I have inserted Ms Smetham's mapping into the Millbrook

82 2513 and 2512 Spruce Grove Trust: N Smetham: EiC paragraphs 42-75.

83 Ibid: paragraph 11.

Structure Plan graphic (sourced from the Stage 1 PDP Decisions version of Chapter 43), and the Millbrook Masterplan (sourced from Mr Craig's evidence in chief: Figure 3). Refer **Appendices D and E**.

18.6 Ms Leith's evidence details the provisions that would apply to the 'new' MRZ areas. Of particular relevance to my evidence are the following aspects:

- (a) The establishment of two new Residential activity areas (R21A and R21 B) at a density of 500m² (and as a restricted discretionary activity) throughout the Malaghans Road land. R21a adjoins (existing) R5 and extends westwards to encompass the south-facing elevated slopes of the knoll landform, the crest of the knoll and the top of its north-facing slopes, with a western 'arm' extending into the flat open and exposed land adjacent Malaghans Road. R21b extends throughout the south eastern quadrant and also adjoins (existing) R5 on its eastern boundary. The balance of the Malaghans Road site is proposed as Golf Course / Open Space.

- (b) The establishment of five new Residential activity areas (R20A-E) at a density of 500m² (as a restricted discretionary activity) throughout the Arrowtown Lake Hayes Road site. A 25m boundary setback is proposed along the road frontage, coinciding with a Golf Course / Open Space, with the latter configured to form a continuous 'open space' swathe around the eastern and northern margins of the land. Relatively narrow bands of Golf Course / Open Space are proposed between the residential areas (presumably to accommodate the circulation network) and along parts of the west and south boundary where new residential areas abut the existing Millbrook development areas.

- (c) Location-specific tailored provisions that are based on the Chapter 43 provisions with the following amendments:
- (i) Deletion of reference to the Landscape Protection Activity Area, as this not considered necessary on either of the sites;
 - (ii) Deletion of the Village Activity Area, as this land use is not proposed on either of the sites;
 - (iii) Amendment to the Setback rules requiring buildings within the new residential areas to be a minimum of 7m from the Residential Activity Area boundary;
 - (iv) Exclusion of the proposed additional development from the overall Millbrook cap of 450 dwellings;
 - (v) Exclusion of the proposed additional development areas from the MRZ 5% site coverage control;
 - (vi) The introduction of a maximum building coverage of 50% within the 'new' Residential Activity Areas;
 - (vii) A requirement for no part of any building within R21 A (which coincides with the Malaghans Road knoll) to not be visible from Malaghans Road which may include such devices as building height controls, mounding and landscaping).

18.7 Ms Smetham's landscape appraisal of the appropriateness of the proposed 'tailored' MRZ approach for the submitter's land (as outlined above) is limited to:

"I consider that if the above amended provisions are included within the MRZ provisions then the rezoning of the submitters sites will achieve an outcome that is consistent with the Millbrook

character and will maintain the landscape values associated with the LCU and Millbrook zone.”⁸⁴

- 18.8** I consider such an analysis to be superficial at best.
- 18.9** In relation to the Malaghans Road site, I consider the proposed Structure Plan configuration that sees residential development at a density of one dwelling per 500m² to be entirely inappropriate on the knoll landform, including the crest, northern edges and southern faces.
- 18.10** It is my expectation that development at this density and in this elevated location would significantly detract from the landscape values of the landform feature itself and is likely to be visible from the surrounding existing residential areas within Millbrook, detracting from the sense of privacy and visual amenity value associated with those (existing) areas. I consider both of these outcomes to be out of keeping with the MCC aesthetic described in detail in the evidence of Mr Craig.
- 18.11** I also consider the strategy of developing (and thereby significantly modifying) an important landscape feature to be fundamentally at odds with the MCC strategy of ‘working with the landscape’ embodied in the development configuration and design strategy that, using Mr Craig’s words, *“seeks to recognise and respect the natural environment”*.⁸⁵
- 18.12** Whilst the proposed ‘tailored’ MRZ approach for the submitter’s land signals the need for the management of visual effects in views from Malaghans Road, I expect the mounding and planting that will be necessary to mitigate built development in the (low-lying) western arm of R21A is likely to:
- (a) adversely impact on views from Malaghans Road to the knoll landform feature (assuming it remains in some form); and,

84 Submission 2513 and 2512: N Smetham EIC: paragraph 80.

85 Submission 2295 and 2605: A Craig EIC: paragraph 46.

- (b) will inevitably introduce enclosure along the south side of Malaghans Road in a section of the corridor that currently reads as an attractive and interesting 'more open' outlook, that contrasts with the highly enclosed character further to the west. **Photograph 4** below conveys the character of the view to the knoll from Malaghans Road.



Photograph 4: View from Malaghans Road south eastwards to the knoll landform (Source: Google Street View).

- 18.13** I fail to see how building height controls, mounding and mitigation planting can address built development on the crest and northern edges of the knoll in a manner that does not significantly detract from the landscape and visual amenity values of the area. For example, I consider it likely that to do so, would effectively require a wall of planting along the south side of Malaghans Road, which I consider would be highly inappropriate in this location.
- 18.14** Further, I consider that the spatial configuration of R21A and R21B represents a significant departure from the relatively slender sinuous arrangement of dwellings on the adjacent Millbrook land (refer **Appendices D and E**). As a consequence, I consider it to be a jarring pattern within the wider Millbrook setting that will detract from the landscape character of the resort.
- 18.15** Turning to the Arrowtown Lake Hayes Road site, again, I consider the spatial configuration of the new Residential Activity Areas to comprise

a poor fit with the more slender and sinuous patterning of established residential development in this part of Millbrook. I also consider that the location of R20A and R20C in very close proximity to (existing) R1 and R2 is likely to generate adverse privacy and visual amenity effects for at least some of these dwellings.

18.16 Overall, I consider that the patterning and level of residential development anticipated by the proposed 'tailored' MRZ approach on the Arrowtown Lake Hayes Road site amounts to a dense urban pattern that will read as a significant departure from the distinctive, attractive urban parkland character for which Millbrook is known.

18.17 On balancing these considerations (and in light of my previous comments with respect to the MCC submission), I oppose the amended relief for the Spruce Grove Trust submission areas at Malaghans Road and Arrowtown Lake Hayes, as outlined in the evidence of Ms Smetham and Ms Leith.

LCU 24 SOUTH ARROWTOWN (High)

19. STEPHEN SKELTON FOR BANCO TRUST (2400)

19.1 I have read the landscape evidence prepared by Mr Stephen Skelton in support of the rezoning of the Branco Trust land on the west side of McDonnell Road (south west of Arrowtown) from Amenity Zone to Precinct.

19.2 Mr Skelton argues that rural residential living areas, can be upzoned to successfully accommodate urban development at a future date.⁸⁶ In my experience, this requires a quite deliberate rural residential planning strategy, that flags the need to consider future urban access, connectivity, open space and infrastructure requirements (in particular), to ensure that any 'interim' rural residential layout does not stymie intensification.

86 2400 Banco Trust: S Skelton EiC: paragraph 15.

19.3 The Stage 2 PDP Precinct provisions are not intended to be a 'stepping stone' for urban development and consequently do not provide for consideration of intensification in such a manner.

20. YVONNE PFLUGER FOR BOXER HILL TRUST (2386)

20.1 Ms Yvonne Pfluger has prepared landscape evidence on behalf of Boxer Hill Trust. Ms Pfluger supports an amended Precinct with an average lot size of 1ha and a minimum lot size of 2,500m² on the submitter's land on the west side of McDonnell Road and adjacent the consented Arrowtown Lifestyle Retirement Village.

20.2 I have no objection to the evidence filed by Ms Pfluger.



Bridget Mary Gilbert

27 June 2018

APPENDIX A

Landscape and Visual Effects Rating Scale

Landscape and visual impacts result from natural or induced change in the components, character, or quality of landscape. Usually these are the result of landform or vegetation modification or the introduction of new structures, activities, or facilities into the landscape.

Landscape effects include effects on topographic, vegetative, and hydrological features. Landscape effects also refer to impacts on settlement patterns, historic and cultural features, and the general landscape character or 'sense of place' of an area.

Visual effects form a component of landscape effects. This assessment analyses the potential visual effects that may be generated by the proposal and is based on:

- the background and context within which the development would be viewed;
- the proportion of the built form (including earthworks) that will be visible, determined by the observer's position relative to the objects being viewed;
- the number and type of viewers and their location in relation to the site; and
- the ability to integrate structures and activities via building
- development design and mitigation planting.

Visual effects are ranked as follows:

- **Very High** – corresponds to a situation where the proposed development will significantly (negatively) change the character or quality of the existing visual landscape or outlook;
- **High** – corresponds to a situation where the proposed development will generate a high adverse effect on the character or quality of the existing visual landscape or outlook, with the scale of adverse effect considered to *'extend above the normal level, or be great in amount, value, size or intensity'*;
- **Moderate** – corresponds to a situation where the proposed development will comprise an adverse effect on the character or quality of the existing visual landscape or outlook, with the scale of adverse effect considered to be *'average in amount, intensity or degree'*;
- **Low** – corresponds to a situation where the proposed development is unlikely to comprise an adverse effect on the character or quality of the existing visual landscape or outlook, with the scale of adverse effect considered to be *'below average in amount, extent or intensity'*; and,
- **Negligible** – corresponds to a situation where the proposed development is barely discernible with respect to effects in relation to existing visual landscape or outlook.

Effects in relation to landscape values are rated as follows:

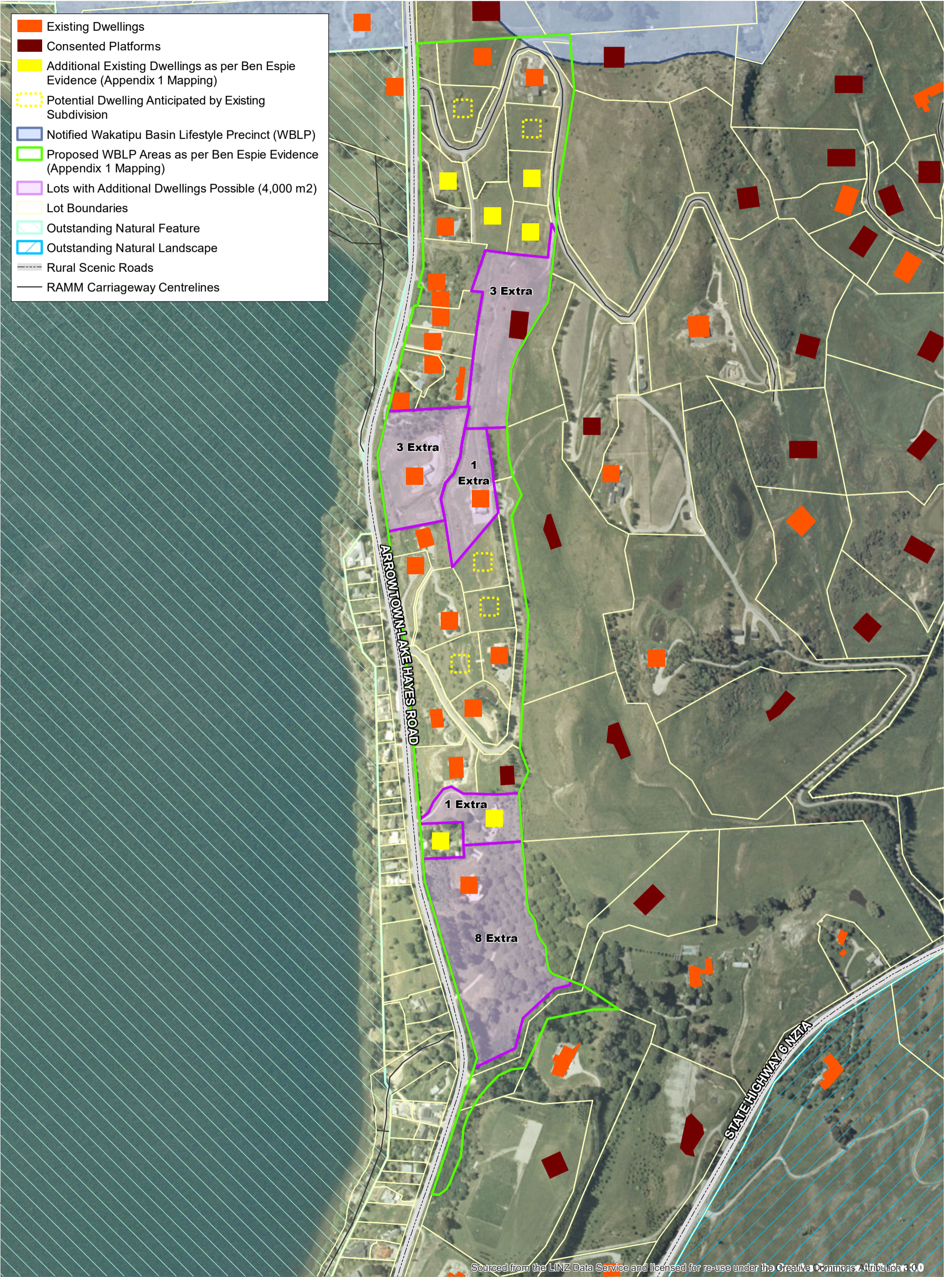
- **Very High** – corresponds to a situation where the proposed development will significantly (negatively) change the character or quality of the existing landscape values of the site and/or the surrounding area;
- **High** – corresponds to a situation where the proposed development will generate a high adverse effect on the character or quality of the existing landscape values of the site and/or surrounding area, with the scale of adverse effect considered to *'extend above the normal level, or be great in amount, value, size or intensity'*;
- **Moderate** – corresponds to a situation where the proposed development will comprise an adverse effect on the character or quality of the existing landscape values of the site and/or the surrounding area, with the scale of adverse effect considered to be *'average in amount, intensity or degree'*;
- **Low** – corresponds to a situation where the proposed development is unlikely to comprise an adverse effect on the character or quality of the existing landscape values of the site and/or the surrounding area, with the scale of adverse effect considered to be *'below average in amount, extent or intensity'*; and,
- **Negligible** – corresponds to a situation where the proposed development is barely discernible with respect to effects in relation to landscape values of the site and/or the surrounding area.

The following terms relate to an evaluation of the need for notification, however, for completeness, it is generally regarded that adverse effects rated as **Moderate** or higher correspond to a 'more than minor' effect. Effects rated as **Low** correspond to a minor effect and effects rated as **Negligible** correspond to a 'less than minor' effect.

APPENDIX B

LCU 13 Lake Hayes Slopes Potential Yield (4,000m² minimum lot size) 'northern end'

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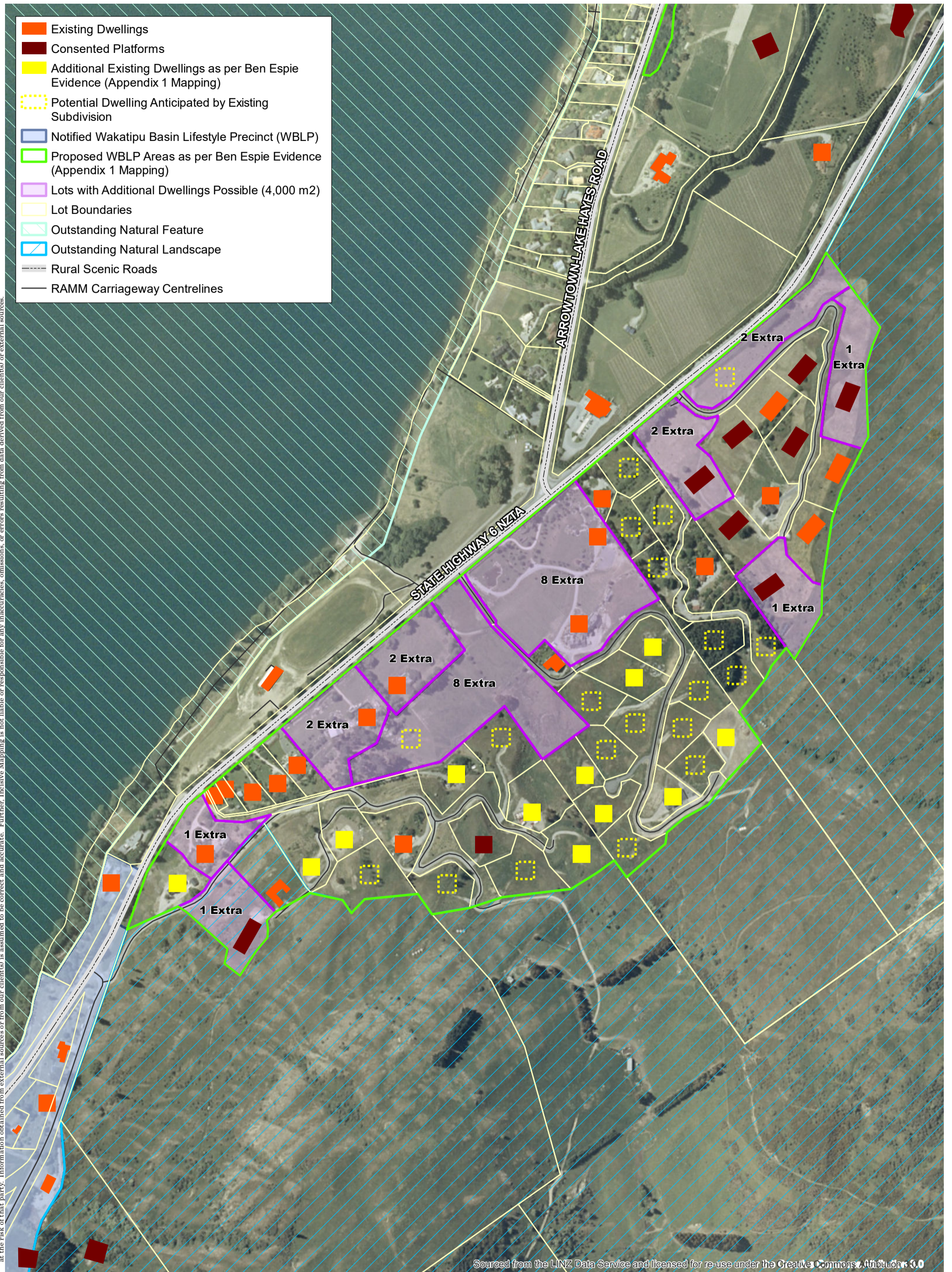
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APPENDIX C

LCU 13 Lake Hayes Slopes Potential Yield (4,000m² minimum lot size) 'southern end'

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- Existing Dwellings
- Consented Platforms
- Additional Existing Dwellings as per Ben Espie Evidence (Appendix 1 Mapping)
- Potential Dwelling Anticipated by Existing Subdivision
- Notified Wakatipu Basin Lifestyle Precinct (WBLP)
- Proposed WBLP Areas as per Ben Espie Evidence (Appendix 1 Mapping)
- Lots with Additional Dwellings Possible (4,000 m²)
- Lot Boundaries
- Outstanding Natural Feature
- Outstanding Natural Landscape
- Rural Scenic Roads
- RAMM Carriageway Centrelines



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APPENDIX D

Proposed Spruce Grove Trust Structure Plan and Millbrook Structure Plan



Stage 1 PDP Decisions Version Millbrook Structure Plan

STRUCTURE PLAN LEGEND

Activity Areas

- R: Residential
- V: Village
- F: Recreational Facilities
- S: Resort Services
- G: Golf Course and Open Space
- H: Helipad
- LP: Landscape Protection
- LPM: Landscape Protection [Malaghan]

Activity Area Boundary

--- (dashed line)

— (solid line)



Refer to Millbrook Resort Zone Structure Plan - South Dalglish Area

APPENDIX E

Proposed Spruce Grove Trust Structure Plan and Millbrook Masterplan



MILLBROOK
QUEENSTOWN · NEW ZEALAND

The Millbrook Masterplan

Note: This masterplan does not show the recently added 'Dalgleish' Block located to the west.

Figure 3

The Millbrook Masterplan.

Note: this masterplan does not show the recently added 'Dalgleish' Block located to the west.